

between the Senator and myself, and he drafted a contract and sent it to me with a certain article in it. I strike out the article and send it back in that way or I leave the article in, and I sign the instrument, saying, "I am not obligated, however, by article 2 or article 3, or article 4."

Mr. BORAH. I agree with the Senator that it would accomplish the same object; but in view of the fact that these other nations have already ratified the treaty the striking of it out at this time would have the same effect, in my judgment.

Mr. WALSH of Montana. You do not strike it out. Leave it in.

Mr. BORAH. I mean if I struck it out.

Mr. WALSH of Montana. Undoubtedly; that is what I suggested to the Senator, that it would seem that he did not desire to strike the article out; but I inquired of him why he should frame his amendment in that way.

I desire to say, Mr. President, that I quite agree with the Senator from Idaho that the reservation to which we have listened does not change the situation in the slightest degree. I have not any doubt in the world, and I have never heard any argument to the contrary that seemed to me based upon reason at all, if any has been indulged in of any kind, to the effect that we would get into a state of war without a declaration of war by the Congress of the United States and in accordance with the Constitution. Indeed, Mr. President, that is the only ground upon which this covenant can be justified constitutionally at all. There is not any question about that.

But, Mr. President, I want to speak for a moment about the suggestion made by the Senator from Idaho that the President of the United States, if we ratify this covenant, would be authorized to send an army anywhere over the world without any precedent action by Congress in declaring war. I apprehend that if the President of the United States issued an order to any of the officers of the Army to go anywhere, those officers would go there. They would either go, or they would resign their offices, and others would be appointed who would go.

In other words, Mr. President, it seems almost a physical impossibility, under our system, to prevent the President of the United States from sending an army anywhere he sees fit to send it, as suggested by the Senator from Idaho. The only remedy that I know of that we have in such a case as that is to impeach the President of the United States, and of course if he sent an army, for the purpose of making war, into a country with which we are at peace, he would be subject to impeachment.

Mr. President, it is said that he is sending troops to Russia at this time, or has been sending them. But, as suggested by the junior Senator from Wisconsin [Mr. LENROOT], he is not doing so by virtue of any power that comes to him under the league of nations, because, so far as we are concerned, at least, the league of nations does not exist. If he has no legal power or authority under the Constitution to send troops into Russia, what is the remedy? Impeach the President of the United States. That is all you can do about it. Put some one in the Presidency who will call the troops home from Russia. But has any suggestion been made from any source whatever, in either House of Congress, that the President of the United States ought to be impeached by reason of the fact that he has sent troops to Russia? If so, I have not heard it.

Mr. President, the President will be in exactly the same situation when the league of nations is established, and we become a party to it, that he is in now. If he shall undertake to send troops into a foreign country, there to make war, without a previous declaration by Congress, he will be subject to impeachment, just exactly as he is now. Certainly the President of the United States gets no authority by this article. The obligation rests upon the Government of the United States. It acts through Congress in declaring war. I have not heard from any source any argument to the effect that under this the President would be invested with any authority whatever.

The Senator assumes, and that seems to be the burden of his argument, as it seems to me, not that the league of nations, and particularly the council of the league of nations, is actually clothed with these vast powers with which he assumes they may be clothed, but that they will usurp these powers.

We can not, as a matter of course, protect ourselves in advance against any usurpation of power by the council or by any other body. We never refuse to give officers power or authority on the ground that they would usurp other powers which have not been confided to them. We simply refuse, as a matter of course, to recognize any authority in the league of nations or in the council of the league of nations beyond the powers that are granted to them thereby. I fully agree with the Senator from Wisconsin when he says that wherever the league or the council or the assembly is given power only to advise, to recommend,

there can not possibly be any moral obligation upon the part of the United States to follow the recommendation. Otherwise you might just as well use another word. Take article 16, for instance, where the council is called upon to recommend the forces that shall be used for any particular purpose. If the recommendation is not satisfactory to us, upon what theory can it be urged that we are bound to follow the recommendation? I can not believe that anyone will conceive that when the council is authorized only to advise or to propose, anybody is under any obligation to follow the suggestion made. For instance, take the provision of the covenant which authorizes the council to propose a plan of disarmament. If the United States is not satisfied with the plan that is proposed, can it be urged that the United States is under any moral obligation to legislate in conformity with the recommendation that has been made or the proposal that is offered for its consideration? I can not think that anybody will be deterred from giving his approval to the covenant upon any suggestion of that character, at least.

The PRESIDENT pro tempore. The question is upon the amendment proposed by the Senator from Oklahoma [Mr. GORE].

Mr. LODGE. Mr. President, the Senator from Oklahoma is anxious to take up his amendment in the morning. He thinks there will be but very brief debate and that it can be quickly disposed of, and that will allow ample time for the Senator from Missouri [Mr. REED] to make his speech before 3 o'clock, at which time the vote is to be taken upon the La Follette amendment. I therefore move that the Senate take a recess—

Mr. KING. Will the Senator withhold his motion for a moment? I understood that the Senator from Nevada [Mr. HENDERSON] or the Senator from Washington [Mr. POINDEXTER] would desire to call up a measure which has passed the House and which will only take a moment.

Mr. SMOOT. I will say to my colleague that the Senator from Washington is out of the Chamber, and I have been unable to locate the bill that was to be laid before the Senate. I do not think there will be any objection to the consideration of it tomorrow morning, provided—

Mr. LODGE. Yes; there will be objection to its consideration to-morrow morning.

Mr. SMOOT. Provided it does not lead to any debate?

Mr. LODGE. There will be objection. To-morrow morning is to be devoted to the treaty. I do not want to mislead anyone. I think we will have to put it off until we have a morning hour if it is not ready now. I will gladly yield now. I do not want to make any promises of that kind for to-morrow morning.

Mr. KING. In view of that fact, I shall not ask the Senator to withhold his motion.

RECESS.

Mr. LODGE. I move that the Senate take a recess until 11 o'clock to-morrow morning.

The motion was agreed to; and (at 5 o'clock and 5 minutes p. m.) the Senate took a recess until to-morrow, Wednesday, November 5, 1919, at 11 o'clock a. m.

## SENATE.

WEDNESDAY, November 5, 1919.

(Legislative day of Monday, November 3, 1919.)

The Senate met at 11 o'clock a. m., on the expiration of the recess.

Mr. CURTIS. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ball	Harrison	McKellar	Ransdell
Brandegee	Henderson	McLean	Reed
Capper	Hitchcock	McNary	Robinson
Colt	Johnson, Calif.	Moses	Sheppard
Culberson	Johnson, S. Dak.	Myers	Smith, Ariz.
Curtis	Jones, N. Mex.	Nelson	Smith, Ga.
Dial	Jones Wash.	Newberry	Smith, S. C.
Edge	Kellogg	Norris	Smoot
Elkins	Kendrick	Nugent	Spencer
Gay	Kenyon	Overman	Thomas
Gerry	Keyes	Owen	Trammell
Gore	King	Page	Walsh, Mass.
Grobna	Kirby	Phelan	Walsh, Mont.
Hale	La Follette	Phipps	Watson
Harding	Lodge	Poinexter	Williams

Mr. CURTIS. I wish to announce the absence, on official business, of the Senator from New York [Mr. WADSWORTH], the Senator from Indiana [Mr. NEW], the Senator from Wyoming [Mr. WARREN], the Senator from Oregon [Mr. CHAMBERLAIN], the Senator from Maine [Mr. FERNALD], the Senator from Mary-

land [Mr. FRANCE], and the Senator from Nebraska [Mr. NORRIS].

Mr. KIRBY. I announce the absence of the Senator from Florida [Mr. FLETCHER], who is attending a hearing before the Committee on Military Affairs, the absence of the other Members of which has been already announced.

Mr. GERRY. The Senator from Arizona [Mr. ASHURST], the Senator from Nevada [Mr. PITTMAN], the Senator from Tennessee [Mr. SHIELDS], the Senator from Maryland [Mr. SMITH], the junior Senator from Virginia [Mr. SWANSON], the Senator from Delaware [Mr. WOLCOTT], and the junior Senator from Alabama [Mr. UNDERWOOD] are detained from the Senate on official business.

The Senator from Georgia [Mr. HARRIS], the senior Senator from Alabama [Mr. BANKHEAD], the Senator from North Carolina [Mr. SIMMONS], and the senior Senator from Virginia [Mr. MARTIN] are absent on account of illness.

The senior Senator from Kentucky [Mr. BECKHAM], the Senator from Ohio [Mr. POMERENE], and the junior Senator from Kentucky [Mr. STANLEY] are detained on public business.

The VICE PRESIDENT. Sixty Senators have answered to the roll call. There is a quorum present.

#### PROMOTION OF FOREIGN COMMERCE.

The VICE PRESIDENT. As in legislative session, the Chair lays before the Senate a response of the United States Shipping Board to Senate resolution 203, which will be printed in the RECORD.

The communication is as follows:

UNITED STATES SHIPPING BOARD,  
Washington, October 30, 1919.

Hon. GEORGE A. SANDERSON,  
Secretary United States Senate, Washington, D. C.

DEAR SIR: Complying with provisions of Senate resolution No. 203, dated October 3, dealing with foreign commerce of the United States, I am pleased to advise:

1. The interest of the Shipping Board in foreign commerce is a primary one to the extent that at present more than 85 per cent of its fleet of over 7,000,000 dead-weight tonnage is engaged in foreign trade. However, in the operation of the Shipping Board fleet, the Division of Operations acts only as the transportation agency for American importers and exporters.

2. The personnel of the Division of Operations (headquarters and field), whose primary function is ship operation, with development of foreign commerce as incident thereto, is necessary to supervise operations of the board's fleet, and said personnel is not greater by reason of its indirect interest in foreign commerce. The total personnel of the Division of Operations as of September 30, 1919, was 1,752, at an annual expenditure for salaries of \$3,540,032.

3. Except for the Panama Railroad & Steamship Co., the Division of Operations is the only governmental agency engaged in the commercial operation of ships.

4. The Division of Operations of the Shipping Board maintains a department, known as the governmental and foreign relations department, which has a personnel numbering seven, at an annual expenditure of approximately \$15,000.

5. The duties of the governmental and foreign relations department, in addition to acting as liaison with Government departments and representatives of foreign countries, on current business, comprise transactions with the War Department for the return of Shipping Board vessels and the redelivery of foreign vessels to owners.

6. The work of the governmental and foreign relations department is not a duplication of the work of any other Government department, as its personnel fully appreciates and realizes that various departments of our Government and foreign Governments represented in Washington have information available which is of vast value in the consideration of our problems, and which said department readily takes advantage of and secures when it is necessary to answer certain requests, thereby avoiding and eliminating the possibility of a duplication of the activities of other Government departments.

Very respectfully,

JOHN J. FLAHERTY, Secretary.

#### STRIKE OF COAL MINERS.

Mr. THOMAS. Mr. President, I have received a copy of resolutions from the Edwin V. Evans Post of the American Legion, located at the University of Colorado, referring to the present coal strike, which I ask to have inserted in the RECORD without reading.

There being no objection, the resolutions were ordered to be printed in the RECORD, as follows:

EDWIN V. EVANS POST OF AMERICAN LEGION,  
University of Colorado, October 31, 1919.

Whereas the leaders of the coal miners' unions have announced their intention of declaring a nation-wide strike in the coal fields; and Whereas the President of the United States, the Attorney General of the United States, and the governor of Colorado have declared this action unlawful and a menace to the welfare of the country; and Whereas the leaders of the coal miners' unions have declared their intention to persist in calling this strike, despite the appeal and declaration of the Federal and State authorities; and Whereas such action will be in open defiance of governmental authority, of overwhelming public opinion, and of the Nation's welfare: Therefore be it

Resolved by the Edwin V. Evans Post of the American Legion:

First. That its members pledge themselves, by any means in their power, to aid the Federal, State, and county authorities in any emergency which may arise to suppress violence, to maintain law and order, to protect property and life, and to alleviate suffering and hardship

which will result from this unwarranted closing of the mines of the country.

Second. That a copy of this resolution be given to the press, to the Senators and Congressmen from Colorado, to the governor of the State, and to the sheriff of the county.

GERRY CHAPMAN, Commander.

#### MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by D. K. Hempstead, its enrolling clerk, announced that the House had passed a concurrent resolution providing that a committee of six Members of the House of Representatives, to be selected by the Speaker, and six Members of the Senate, to be selected by the President of the Senate, be appointed to represent the Congress at such appropriate ceremonies at the port of New York when the steamship *Lake Daraga* is expected to arrive in New York, on or about November 9, bearing the first bodies of American soldiers from the fields of the World War, in which it requested the concurrence of the Senate.

#### ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills, and they were thereupon signed by the Vice President:

S. 641. An act to amend an act entitled "An act to provide for the operation of transportation systems while under Federal control, for the just compensation of their owners, and for other purposes," approved March 21, 1918;

S. 2883. An act authorizing the Meridian Highway Bridge Co., a corporation, to construct and maintain a bridge or bridges and approaches thereto across the Missouri River between Yankton County, S. Dak., and Cedar County, Nebr.; and

H. R. 7751. An act authorizing the sale of inherited and unpartitioned allotments for town-site purposes in the Quapaw Agency, Okla.

#### PETITIONS AND MEMORIALS.

Mr. LODGE presented a petition of sundry students of the Leland Powers School, of Boston, Mass., praying for the ratification of the league of nations treaty, which was ordered to lie on the table.

Mr. COLT presented a memorial of Local Lodge No. 119, Militant and Progressive International Association of Machinists, of Newport, R. I., remonstrating against the deportation of certain Hindus, which was referred to the Committee on Foreign Relations.

#### MINING CLAIMS.

Mr. POINDEXTER. From the Committee on Mines and Mining, I report back favorably, without amendment, the joint resolution (H. J. Res. 241) to suspend the requirements of annual assessment work on mining claims during the year 1919, and I ask unanimous consent for its present consideration.

There being no objection, the joint resolution was considered as in Committee of the Whole, and it was read, as follows:

Resolved, etc., That the provision of section 2324 of the Revised Statutes of the United States, which requires on each mining claim located and until a patent has been issued therefor, not less than \$100 worth of labor to be performed, or improvements aggregating such amount to be made each year, be, and the same is hereby, suspended as to all mining claims in the United States, including Alaska, during the calendar year 1919: Provided, That every claimant of any such mining claim in order to obtain the benefits of this resolution shall file or cause to be filed in the office where the location notice or certificate is recorded on or before December 31, 1919, a notice of his desire to hold said mining claim under this resolution.

The joint resolution was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

#### BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred, as follows:

By Mr. THOMAS:

A bill (S. 3374) granting an increase of pension to Corydon W. Sanborn; and

A bill (S. 3375) granting an increase of pension to Elizabeth Leher; to the Committee on Pensions.

By Mr. CHAMBERLAIN:

A bill (S. 3376) granting an increase of pension to Edward Smith; to the Committee on Pensions.

By Mr. SHEPPARD:

A bill (S. 3377) for the relief of Lieut. Col. John R. White; to the Committee on Military Affairs.

By Mr. EDGE:

A bill (S. 3378) to provide for the enforcement of the anti-trust laws; to the Committee on the Judiciary.

#### RETURN OF MORTAL REMAINS OF AMERICAN SOLDIERS.

Mr. LODGE. I ask that the concurrent resolution just received from the House of Representatives be laid before the Senate.



The PRESIDENT pro tempore. The Chair lays before the Senate the following concurrent resolution of the House of Representatives, which will be read.

The Secretary read the resolution, as follows:

Whereas the steamship *Lake Daraga* is expected to arrive in New York on or about November 9, bearing the first bodies of American soldiers from the fields of the World War; and

Whereas it is proper and fitting that due recognition be given to the return to our shores of the mortal remains of those men who gave their lives for the cause of freedom: Therefore be it

*Resolved by the House of Representatives (the Senate concurring).* That a committee of six Members of the House of Representatives, to be selected by the Speaker, and six Members of the Senate, to be selected by the President of the Senate, be appointed to represent the Congress at such appropriate ceremonies at the port of New York as may be determined upon as proper and appropriate.

That the expenses of said committee and of the ceremonies arranged by it shall be paid one-half out of the contingent fund of the House and one-half out of the contingent fund of the Senate on vouchers to be signed by the chairman of the House and Senate committees, respectively.

Mr. LODGE. I move that the Senate concur in the resolution of the House.

The concurrent resolution was agreed to.

#### TREATY OF PEACE WITH GERMANY.

The Senate, as in Committee of the Whole and in open executive session, resumed the consideration of the treaty of peace with Germany.

Mr. GORE. Mr. President, I propose the amendment to the covenant of the league of nations of which I have heretofore given notice.

The VICE PRESIDENT. The Senator from Oklahoma offers the following amendment.

The SECRETARY. On page 27, line 5, at the end of the first paragraph of article 12 of the covenant of the league of nations, after the words "they agree in no case to resort to war until three months after the award by the arbitrators or the report by the council," insert the following: "and not then until an advisory vote of the people shall have been taken."

Mr. GORE. Mr. President, I shall detain the Senate only a few moments in the discussion of this amendment. So far I have refrained from taking any part in the discussion of this treaty. I have been anxious to speed the treaty to final action. I have sympathized with the prevailing sentiment throughout the country that the treaty should be ratified without needless delay.

I wish to say, however, that I do not concur with those who imagine that final action upon the treaty will bring industrial repose to a distracted Nation or to a distracted world. The existing industrial unrest is based upon deeper and wider foundations than the slender isthmus between peace de facto and peace de jure.

There are, however, many people who anticipate an immediate return of industrial peace upon the ratification of this treaty. In my judgment that is a vain hope, but it will render this substantial service: It will demonstrate that the unrest arises from other causes than mere delay in connection with the pending treaty. The elimination of this erroneous cause will set our feet in the path of progress toward the discovery of the real cause of existing distress, and that, sir, is one step in the evolution of a real remedy for existing social and industrial discontent.

Mr. President, I have submitted this proposition in the form of an amendment rather than in the form of a reservation, for reasons which I shall present to the Senate. There are Senators who are unalterably opposed to the adoption of textual amendments to the treaty. They apprehend that such amendments would occasion delay. I do not believe that it would cause the delay which Senators apprehend. I have for my own part voted for a number of amendments, and I shall vote for a number of reservations.

Amendments do directly what reservations do indirectly. I have felt that I ought to vote to do directly what in my opinion ought to be done. I have felt that the Senate of the United States, which is a constitutional part of the treaty-making power, ought not to resort to indirection in the discharge of its highest constitutional function. But I appreciate the feelings and the attitude of those who are resisting amendments in the conscientious belief that their adoption would occasion protracted delay. I would have accommodated this proposition to their views and to their attitude if I had found it possible to do so, but I have not been able to work out a reservation which would accomplish the purpose which I propose by the pending amendment.

The situation in the Senate has been perfectly obvious from the beginning. On the one hand, no textual amendments to the treaty could be adopted; on the other hand, the treaty itself could not be ratified without reservations. I have supported

certain amendments knowing they would be defeated. I could not consistently oppose amendments which commended themselves to my judgment and conscience when I felt in duty bound in the interest of democracy and peace to propose this amendment securing the people a right to an advisory vote. Every Senator knows that to reject all reservations is to reject the treaty itself. To advise the rejection of all reservations is to take the responsibility of advising the rejection of both the treaty and the league of nations. I have not felt willing to assume this responsibility. It is a condition that confronts us, and I endeavored long ago to prevail upon my colleagues to adopt a practical program which would neither ignore the facts nor join issue with the inevitable.

Now to my amendment. Under article 12 of the covenant the member nations obligate themselves not to resort to war for a period of three months after the award of the arbitrators or the report of the council.

This is a self-imposed limitation on the part of nations which contemplate war. The President has asserted that the chief virtue of the league of nations is the fact that it insures discussion and that it provides a cooling time for the heated passions of peoples. I offer an amendment which will invite further discussion and which will afford further opportunity for the cooling of passions. The amendment which I offer proposes that nations after the expiration of the three months shall not even then resort to war until an advisory vote of the people shall have been taken. This is a self-assumed restraint on the part of nations which contemplate a resort to war. It is not liable to the objection that a nation might be invaded or that the danger of invasion might be too imminent to admit of delay. I repeat that this amendment, taken in connection with the text of article 12, affords no foundation for that argument or that apprehension, for if the nations will respect their obligation to adjourn war for a period of three months after the award of the arbitrators or the report of the council, there is no greater reason to doubt that they will respect their further obligation; that they will respect a self-imposed obligation to adjourn the resort to war until an advisory vote of their people may be taken. This eliminates that fear and that apprehension so commonly urged against a referendum upon the issue of peace or war.

We have heard a great deal in these latter days about world democracy. We have been assured that the United States entered this mighty conflict in order to "make the world safe for democracy." The purpose, I assume, was to democratize the world. With that purpose, whether real or ideal, I sympathize; it is undoubtedly a consummation most devoutly to be desired. In harmony with that lofty spirit, I propose this amendment in order to democratize war. I propose an advisory vote of the people on the part of nations contemplating war before they take up arms and plunge their people into the whirlpool of butchery and of blood.

Mr. President, this amendment, this plan, is the only way to democratize war and, in my judgment, it is the best way to prevent and minimize war. Perhaps no one indulges the fond hope that war can be entirely eradicated among the children of men; certainly not until further evolution has been realized in the progress of human affairs; but this amendment is in harmony with our professed purpose in entering the war; this amendment is in harmony with the spirit of the times; this amendment is in harmony with the great currents of human affairs; this amendment is in harmony with the genius of our free institutions; it is in harmony with the principles of self-government; it is in harmony with the theory that governments derive their just powers from the consent of the governed; it is in harmony with the high resolve that this Government of the people, by the people, and for the people shall not perish from the earth. This amendment is in harmony with the historic declaration of President Wilson made at Washington's Tomb on July 4, 1918:

The settlement of every question, whether of territory, of sovereignty, of economic arrangement, or of political relationship, must be upon the basis of free acceptance of that settlement by the people immediately concerned.

My desire is to exemplify my faith in the capacity of the people to govern themselves not alone in national concerns but in affairs that are international.

Whatever else may be said in behalf of the league of nations, it can not be said that it is entirely democratic in its organization. It lacks the two essential conditions of democracy: The representatives to the league are not chosen by a direct vote of the people, and the representatives are not directly responsible to the body of the people in the constituent nations. It lacks both essentials of democracy—direct choice and direct responsibility. One of these conditions is essential even to the sem-

blance of democracy. Both of these conditions are essential to the substance of democracy.

There is one other feature of the league which is not entirely consonant with democratic principles or democratic institutions. In some measure, at least, legislative, executive, and judicial powers are combined and centralized in the hands of the selfsame set of men. Such a combination of powers, Mr. President, is the source and the sinews of despotism. The separation of these powers is essential to liberty and is indispensable to democracy. In dispensing with this partition of powers we now accept as an article of faith and as a rule of action a scheme—I may say an experiment—which bears the universal condemnation of all human experience.

Not only that, but as at present constituted the league will be a government of men and not a government of laws. The will of the council, the will of the assembly, so far as I can ascertain, will not be bound by the principles of international law as they have heretofore existed. There is no rule of action prescribed for the guidance of these men; there is no fixed standard to govern their deliberations or their decisions, and, in the absence of law, there can be no such thing as responsible and assured justice. But I waive these considerations.

There is, Mr. President, in the pending treaty the recognition of one democratic principle. The recognition is not theoretical or academic; it is explicit. The treaty proposes to reduce this principle to practice. It proposes to apply this democratic principle in concrete cases for the decision of important issues and determining the fate and allegiance of considerable bodies of people. I refer, Mr. President, to the plebiscite or to the referendum which is to be applied in the Saar Valley and which is also to be applied in Upper Silesia. The treaty undertakes to apply this democratic principle, perhaps, to the one set of circumstances to which it is least applicable. To allow a small body of people occupying a narrow tract of territory to determine the destiny of great States and larger peoples, I am not certain is required by the principle of the plebiscite, and I am not certain that it will contribute to international peace.

I hope that this resort to the plebiscite will be justified by events; but, however that may be, the point I now make is that the peace commission and the pending peace treaty give distinct and practical recognition to the principle of the referendum or to the principle of the plebiscite.

If the people of the Saar Valley, if the people of Silesia, are to be permitted to decide by an advisory vote under what flag they will live, is it inconsistent to permit them to pass judgment upon the vital issues of peace and war? That is the principle which I invoke.

I should explain that my amendment provides solely for an advisory vote. I do not propose to make this vote conclusive or binding. This distinction rests upon two considerations. Under our Constitution, this league could not provide for a mandatory vote upon the question of peace or war. The power to declare war is vested by our Constitution in the Congress of the United States, and not even the league of nations could divest the Congress of that constitutional power. I do believe, however, that an advisory vote touching the question of peace or war would not be incompatible either with the letter or with the spirit of our Constitution. I am certain that it would be compatible with the spirit of our institutions and with the genius of our people.

There is one other practical reason for providing for an advisory rather than for a conclusive and binding referendum. I think that an advisory vote is in the interest of peace. It is conservative in its character and tendencies. Let me illustrate what I mean.

Suppose that a nation contemplating war should take a vote upon that issue. Suppose that the war party should prevail by a majority of only 1,000 in a vast vote. If the vote were mandatory, if it were final and conclusive, the nation would thereupon find itself in a state of war. It could not retrace its steps, notwithstanding the even division of sentiment among its people. On the other hand, if the vote were advisory and only advisory, the authority charged with the power to declare war, finding sentiment so evenly divided, might still find ways and means to keep the peace, and to avert the impending calamities of war. For this reason, I submit that an advisory vote would contribute more to the maintenance of peace than would a mandatory vote upon the issue.

The object of my amendment is, I repeat, to democratize war. In view of the recognition of the plebiscite in this treaty, there can be no objection founded upon principle to the application of the principle of the plebiscite to the issues of peace and war. My purpose is to permit the people who are to bear the burdens of war to have at least an advisory vote as to the desirability of a proposed war. I wish to let the boys who are to bleed and die, I wish to let the fathers and mothers of the boys who are to

bleed and die, have the privilege of at least an advisory vote as to the indispensable necessity of a proposed war.

In view of the recognition by the treaty of the principle of the plebiscite, there can be only one argument against this proposed amendment. That is the ancient, the undemocratic, the autocratic argument that the people are not qualified to pronounce judgment upon the issue of peace and war. It is the autocratic, it is the undemocratic, contention that the people do not understand the finesse of foreign diplomacy, that the people do not understand the profound principles of international jurisprudence, that the people do not understand the mysteries of higher statecraft; it is the old contention that the people do not understand their own vital interests, the contention that the people do not understand and can not preserve their own national honor; it is the old contention that the people are not capable of self-government.

Mr. President, one hundred and fifty years ago it was denied by kings and emperors and czars that the people were capable of self-government even in domestic affairs. Those in high places feared democracy. Tyrants feared that it meant the rule of the mob and the reign of the anarchist. Faith in the capacity of the people for self-government is the slow growth of uncounted centuries. It comes only with the process of the suns. At that time they challenged the capacity of the people equally with respect to national and international affairs. With opportunity and experience, the people have demonstrated their capacity for self-government in connection with local and national concerns. If they are afforded an opportunity, as they will one day take the opportunity, the people will demonstrate their capacity for government in international affairs. Thomas Jefferson rendered his country, Thomas Jefferson rendered the human race, no greater service than in the exhibition of his unflinching faith in the capacity of the people for self-government.

Mr. President, for my own part I think that the people themselves are quite as well qualified to pronounce judgment upon the question of peace and war as are kings and emperors and kaisers and czars. I think that an advisory vote on the part of the people would be a salutary guide to the action of congresses and parliaments. The voice of the people is the nearest approach to the voice of God.

What Senator is willing to deny the capacity of the people for self-government? What Senator is willing to deny the capacity of the people to pronounce judgment upon the questions of peace and war? What Senator is willing to deny the fathers and mothers of the soldiers of this and other countries at least an advisory vote upon the tragic issue of life and death? What Senator is willing to draft free-born American citizens to die in a war which he insists they can not understand? If this be true, why not let the sages, let the savants, let the statesmen who understand these wars wage these wars which baffle the understanding and which exceed the capacity of the common man? What democratic nation will deny the capacity or the right of its people to have an advisory vote before resorting to the bloody arbitrament of the sword? If the Kingdom of Great Britain is democratic, will it deny its people this democratic right? If the Republic of France is democratic, will it deny its people this democratic right? If the Kingdom of Italy is democratic, will it deny its people this democratic right? The very word "democracy" means the rule of the people. The consent of the governed is the soul of democracy. To me it was a distinct disappointment that the covenant of the league did not embody this democratic principle, that it did not embody a provision for an advisory vote preceding an appeal to the sword. If tendered by this country I believe this principle would be accepted by every nation which professes democracy. I know it would be adopted by every nation which practices democracy. You may delay, you can not defeat, the ultimate triumph of this principle of true democracy. I propose this amendment in the interest of democracy and peace. My sole and supreme purpose in the presentation of this amendment and in my course touching the pending treaty has been to promote peace and prevent war. My devotion to peace, my abhorrence of war, is beyond challenge.

Mr. President, it would be a calamity worse than war if nothing came out of this war to prevent or to minimize war, to minimize the causes and possibilities of war, to minimize the horrors and sorrows of war. If the human race, bleeding now at every pore, should waste this opportunity to erect every possible guaranty of peace, it would, in my judgment, constitute an impeachment of twentieth-century civilization. Of course, there will be no final preventive of war until mankind comes to regard war as the worst of evils. This has never yet happened. Men have not regarded war as the worst of evils. Ofttimes they have regarded it as an inconsiderable evil,



and apparently at times have looked upon war as a positive blessing in itself. Education in that direction, evolution in the direction of peace, must be our remedy, and we can not rely solely upon a mere paper contrivance. Such contrivances have often been formulated in the past. Such contrivances have often been signed by high signatory powers. Such contrivances have often bound the honor of nations in the past, yet they have proven to be ropes of sand. They have not kept the peace; they have not averted war; still that should not discourage an honest effort on our part to promote peace and to prevent war.

Mr. President, I have voted for a series of amendments to the treaty. I shall vote for a series of reservations to the treaty. These votes have only one purpose, have only one object, to minimize the causes, to minimize the dangers, to minimize the possibilities of war. I have voted, in the interest of peace, to clarify the terms of this treaty, to make the terms of the treaty certain and distinct beyond the possibility of cavil, as far as human foresight can bring that to pass.

Uncertainty is the womb of war. Its spawn is strife. As far as I can, I wish to obviate all uncertainty. When the President laid the first draft of this league before the American people it evoked a great deal of constructive criticism, and I say that constructive criticism is now and has always been the headlight of advancing civilization. To extinguish such criticism would be to petrify the human race.

When the President returned to Paris he undertook to respond in three important particulars to the criticism which the treaty had evoked. He secured a change in regard to the Monroe doctrine, in regard to domestic questions, and in regard to the right of withdrawal. The President's efforts, in the opinion of a great many patriotic people, did not quite succeed. Indeed, he has proclaimed that the treaty was not all that he wanted. Old World diplomacy hampered his efforts and limited his success.

The Senate is now engaged in an effort to complete the changes which the President attempted upon his return to Paris. The Senate is now engaged in an effort to make it certain beyond doubt that the Monroe doctrine is not abrogated, to make it certain beyond doubt that domestic questions are reserved within the jurisdiction of the United States, to make certain that the right to withdraw is so distinct that it can never be challenged, and that the United States will never be obliged to hew its way out of the league of nations with the sword.

Mr. President, I am one of those Americans who believe in America for Americans. I believe in an America of Americans, by Americans, for Americans. I am one of those who believe that we ought to declare, as our fathers declared, that these States, then colonies, are and of right ought to be free and independent States. I do not think that this declaration should be made with either a blush or an apology.

I am one of those who believe that sovereignty is to a nation what honor is to a man and what chastity is to a woman. I am one of those who believe that it is as impossible to arbitrate purely domestic questions as it would be to arbitrate the sanctity of the home. There are many Americans who would insist upon the preservation of the Monroe doctrine as they would insist upon the sacred right of self-preservation.

These sentiments, Mr. President, ought not to be the subject of criticism. They are animated by patriotism. They may be ill-advised, they may be unwise, and yet they are inspired by pure Americanism, they are animated by undoubted patriotism.

The President maintains that the language respecting domestic questions, the Monroe doctrine, and the right of withdrawal means exactly what certain Senators insist the language should mean. All agree as to what the language should mean. The only dispute is as to whether the language actually bears that meaning beyond all doubt. This ought to be the easiest imaginable difference to adjust and reconcile. When men agree as to what they wish to say, they ought to be able to agree as to how to say it. If serious men can not adjust a difference of this character, how can they hope to prevail upon jealous nations to adjust and compromise quarrels which are older than recorded history? May I not commend to all parties concerned the spirit of conciliation?

I wish to insert at this place the famous parable against persecution. It is a classic, and is supposed to run back to the ancient Jewish Talmud.

The VICE PRESIDENT. Without objection, it is so ordered.

The matter referred to is as follows:

And it came to pass after these things that Abraham sat in the door of his tent, about the going down of the sun. And behold a man bent with age coming from the way of the wilderness leaning on a staff. And Abraham arose, and met him, and said unto him, "Turn in, I pray thee, and wash thy feet, and tarry all night; and thou shalt arise early in the morning, and go on thy way." And the man said, "Nay; for I

will abide under this tree." But Abraham pressed him greatly; so he turned, and they went into the tent: and Abraham baked unleavened bread, and they did eat. And when Abraham saw that the man blessed not God, he said unto him, "Wherefore dost thou not worship the most high God, creator of heaven and earth?" And the man answered and said, "I do not worship thy God, neither do I call upon his name; for I have made myself a god, which abideth always in my house, and provideth me with all things." And Abraham's zeal was kindled against the man, and he arose and fell upon him, and drove him forth with blows into the wilderness. And God called unto Abraham, saying, "Abraham, where is the stranger?" And Abraham answered and said, "Lord, he would not worship Thee, neither would he call upon Thy name; therefore have I driven him out from before my face into the wilderness." And God said, "Have I borne with him these hundred ninety and eight years, and nourished him, and clothed him, notwithstanding his rebellion against me; and couldst not thou, who art thyself a sinner, bear with him one night?"

Mr. GORE. In behalf alike of the interest, the honor, and the dignity of the United States, I voted for an amendment and I shall vote for a reservation to equalize the voting power between this Republic and the British Empire. No amount of arithmetical sophistry or legerdemain will ever convince the common sense of America that one vote is the equivalent of six votes. Our people understand voting too well for that. I hope that democracy will not stake its future and its fortunes upon its ability to demonstrate the truth of that self-evident absurdity. If six votes are not more than one vote, the British Empire ought not to ask it. If six votes are more than one vote, the British Empire ought not to have it. Either horn of the dilemma forbids our consent to this inequality, to this degradation. Why should red-blooded Americans hesitate to demand equality with the British Empire when Mr. Fielding declared in the Canadian Parliament that Canada had no more right to a vote in the league than the State of New York; when the editor of the Free Press published in Ontario condemned this inequality of voting power; when Mr. A. G. Gardner, late editor of the London News and a distinguished advocate of the league, asserted that the United States had just ground to complain of the proposed inequality of the voting power, and suggested that Great Britain should take the initiative in the establishment of such equality. Some Americans comfort themselves with the statement that the unequal voting power makes no difference in view of the requirements as to unanimous consent. The requirement of unanimous consent in respect to reports and recommendations touching international disputes is limited to the council. It is often said that the United States can protect itself in the council because nothing can be done except by unanimous agreement. It is true that the United States has a veto, an effective veto, in every controversy considered by the council in which the United States is not concerned, but it has no voice, it has no vote, it has no veto, in any controversy which concerns the United States. There is the rub. In all such controversies it is denied a vote and denied a veto. The requirement as to unanimous consent is of no avail when our interest, when our destiny, is involved. The requirement as to unanimous consent does not apply where disputes are appealed to the assembly. There the majority controls and six votes count for more than one. If Great Britain and the United States should be parties to the controversy, both would be denied a vote in the assembly. But the British Empire would still have five votes. Such an inequality, such a disparity, is as incompatible with the interest and the continued good will of the two nations as with the dignity and honor of the United States as a sovereign and independent nation. I am not willing to say by my vote that the British Empire is six times as good or six times as great as the United States of America. I am not willing to say by my vote that this puissant, that this matchless Republic is a sixth-rate power. I say this as one who had five ancestors in the struggle for American sovereignty and independence.

Mr. President, I shall vote to modify article 10. There are many uncertainties in connection with this league. Indeed, there is only one certainty, and that certainty looms lurid as the nether flames, and that is that article 10 obligates the United States to take part in every war that ever happens upon this planet. That is certain. That is certain unless we modify article 10, or unless we repudiate the moral obligation imposed by article 10. Only by treating article 10 as a scrap of paper can the United States escape a resort to war whenever a war anywhere shall be instituted that threatens the boundary lines of any nation upon the globe. Article 10 binds us to tax our people, to spend our money, to draft our boys, to shed their blood, to sacrifice their lives, in every war that ever happens involving the boundary lines of a member of this league, whether it be in Europe, in Asia, in Africa, or in the islands of the sea.

Mr. President, I do not like to bind the United States in advance to participate in all these wars, which concern neither



our rights, our interests, nor our honor. I am not willing to draft our boys and send them over the sea to die upon the burning deserts of Arabia or upon the frozen tundras of Siberia in quarrels that concern us not. I would not sacrifice the life of one Oklahoma boy, I would not break the heart of one Oklahoma mother, to decide whether Greece or Serbia should own the Sanjak of Novi-Bazar, nor to confirm the clouded title of Japan to the pilfered Province of Shantung. It should never be forgotten that during the last 105 years there have been 52 bloody wars in Europe. The United States engaged in only two of these wars. A league of nations which would have reduced this number one-half, reduced it to 26, would have been a great blessing to Europe, but a league which would have involved the United States in 26 wars would have been a rather bloody blessing. Does not this warn us to heed the voice of Washington and beware of entangling alliances? The United States entered the recent war, and was able to determine that war in its own favor and in accordance with its own interests and purposes. Let us hope that the United States will never be obliged to enter another war, but if it should, let us hope that it will be able to decide such war in accordance with its interest, its purpose, and its honor. Faith in the chivalry and heroism of our soldiers, exemplified upon the fields of France and Flanders, renders such a conclusion beyond all doubt.

There is a possibility, however, that the pending league, unmodified, would extend the ancient European balance of power to Asia and to the Americas. If that should happen, and if history should not belie all its lessons and examples, it would result in the formation of a counter combination. The world would divide into two vast armed camps, and the issue in that event might possibly be rendered doubtful if the United States should commit itself in advance.

Mr. President, there are those who fear that the proposed arrangement is not a league of nations at all, that it is only an alliance, that it is an offensive and defensive alliance on the part of the Big Five, and that this alliance might degenerate into an oligarchy.

Mr. President, I am one of those who believe in a society of nations, and I hoped to see, and I still hope to see, a society of nations grow out of this war, a society of nations that will create an international court of justice. I would be willing to commit to that court of justice all justiciable questions. I think that I might consent to refer to that court questions which are denominated nonjusticiable if only moral sanctions were to be attached to the decisions, and if there should be no resort to armed force and to military power.

To my mind the phrase, "A league to enforce peace," is a contradiction of terms. I hope the present arrangement will develop into a society of nations, a society of nations that would not only institute the sort of court I have mentioned but a society of nations that would constitute an international legislature, an international legislature vested with the power and charged with the duty of clarifying and codifying international law, rendering its principles distinct and certain.

I would be willing that the principles of international law which such a legislature should promulgate by unanimous consent should be accepted as binding upon all the members of the society. The principles of international law agreed upon by three-fourths of the States represented might constitute binding international law as between the States agreeing, but the principles of international law agreed to by only a majority should merely be published for the enlightened verdict and opinion of mankind. This might not immediately bring about a definitive code of international law which would be binding upon the conscience and the conduct of men, but it would set in operation forces which would lead to the evolution and to the final consummation of such a system of international jurisprudence and international justice. Mr. President, I devoutly desire the consummation of such an end and the realization of such an ideal.

I know that the people of the United States and that the people of the world, bent and bleeding with war, are praying to the God of nations to send them universal and perpetual peace. Mr. President, I sympathize with their prayers and with their heartfelt yearnings and aspirations. I am determined, both as a matter of duty and of choice, to aid the people in realizing these holy aspirations. The people everywhere are asking for a fish. We must take care not to give them a hissing serpent. The people everywhere are asking for an egg. We must take care not to give them a scorpion that will sting them to the death.

I am determined to do everything possible to promote peace and to prevent war. My chief concern is that whatever we shall do may contribute to the preservation of peace and to the prevention of war, and that it may not prove the highway into

every war that ever happens upon this revolving planet. That, sir, is the object of my deepest solicitude for my country and for my countrymen. This solicitude explains my attitude and my course with respect to the league. The one tragedy that would be worse than war would be for our honest efforts to keep the peace to prove the means of involving us in endless wars. We should adopt every precaution that human foresight can devise to avert such a tragedy. In our desperate desire to take a step in the right direction we must use every possible precaution not to take a leap in the wrong direction. We must not set the dove of peace upon the dragon's nest of war. This is the counsel alike of prudence, of patriotism, and of humanity.

The distinguished originators of this league do not exemplify perfect faith in its efficacy to preserve the peace of the world. When President Wilson laid the first draft of the covenant before the commissioners in Paris he said:

Armed force is in the background; and yet it is not in the background. If the moral forces of the world will not suffice to keep the peace of the world, physical force shall.

Physical force shall!

There, Mr. President, is a doubtful mark that looms as high as the heavens. But the President is too profound a historian to imagine or to assert that he could devise or that they had devised a sovereign remedy for war among the children of men.

Premier Clemenceau exemplified his doubt in the efficacy of the pending league when he secured or accepted the special alliance or treaty between the United States and France, a treaty under which we bind ourselves to go to the rescue and defense of France in case of an unprovoked attack on the part of Germany. If the premier of France had reposed implicit faith in the league of nations, if the premier of France had reposed as much faith in the league as we are bidden to entertain and exhibit, he would not have sought, neither would he have accepted, this special arrangement for the defense of France. He would have relied upon the league of nations to provide France with ample security and protection against her ancient and conquered foe.

Lloyd-George, in a recent speech in Parliament, indicated that he would hereafter expect, when the British Empire entered war, that the United States would enter the war, and would enter the war by virtue of the two facts that the British Empire had entered the war and that the United States was a member of the league. I do not know how much weight we should attach to an opinion of this sort.

But, Mr. President, our own country has not exhibited the implicit and trusting faith in the league of nations which the Senate is asked to exhibit. I refer now to the Army reorganization bill which is pending in the Senate and in the House of Representatives. This reorganization bill has the approval of Gen. March, the Chief of Staff. It has the approval of Mr. Baker, the Secretary of War. It is to be assumed that it is an administration measure. What does this bill provide? It provides that every able-bodied male person in the United States, between the ages of 18 and 45 years, shall be automatically drafted into the military service when the United States enters war; that 22,000,000 men shall be automatically drafted into the military service without any further action, without any further authorization, upon the part of the Congress.

What else? Before our entry into the war we had a standing Army of approximately 82,000 men. Under this administration Army bill now pending it is proposed, notwithstanding the league of nations, to create a standing Army in time of peace of 500,000 Regulars and to create a reserve of 750,000 men. This new Army is to cost \$900,000,000 a year; is to cost about seven times as much as our Army cost before our entrance into the war; is to cost, if I remember correctly, three times as much as the entire German military establishment before the war. This new Army is to cost \$200,000,000 more than the total expense of the Government of the United States for all purposes prior to the war, excepting only the Post Office Department, which pays its own way.

In addition to this vast and expensive Army in time of peace, we are to have a Navy costing \$1,000,000,000 a year.

Mr. President, are these the first fruits of universal disarmament? Is this the evidence of our faith in the efficacy of the league to preserve peace and to prevent war? Are these vast preparations to be carried forward in the light of world democracy and universal disarmament and perpetual peace and the brotherhood of man and a return of the golden age?

I mention these facts as evidence of a want of faith on the part of certain high officials—which we are forbidden to share—in the infallible and entire efficacy of the proposed league to prevent war and perpetuate peace.

If those who framed and sanctioned and formulated the league of nations have exhibited so many proofs of their want of faith,



should not the honest and earnest efforts of those who are seeking in good earnest to make this league a guaranty of peace and a preventive of war be viewed with temperance and with tolerance?

I am not willing to conceal the fact that I shall vote against the Army reorganization bill to which I have referred. I shall not vote to set up in America that militaristic system which we have sacrificed so much to tear down in Germany. I am not willing to welcome in this free Republic that foul demon of militarism which we have attempted to cast out of the German Empire.

Mr. President, the time may not have come when the Senate or the parliaments of other nations will consent to give the people themselves even an advisory voice in a declaration of war, but, sir, the stars in their courses are battling for this principle. This principle and its consummation are in the womb of the future. It is but a matter of time until governments will consent, consent perhaps with reluctance but will consent, to invest the people with some power and with some voice touching the mighty issues of peace and war. The time will come in the advance of democracy, which is as resistless as the tides of the sea and the revolutions of the planets, when sovereign peoples will refuse to be devoted to butchery and death without their own sovereign and voluntary consent.

In an earnest and perhaps in a premature effort to speed the coming of that day, that day of realized democracy, I have proposed the pending amendment.

I wish to have printed as part of my remarks an editorial from the Brooklyn Times in support of my amendment.

The VICE PRESIDENT. Without objection, it is so ordered.

#### SENATOR GORE'S PROPOSAL.

The various amendments which would have effected a textual change in the treaty of Versailles were voted down in the Senate yesterday. The victory was not one for the administration forces, but for the block of Senators who fear the effect of opening up the whole question, and prefer to carry out the aims that have been developed as representing American sentiment by a series of frank reservations.

Senator Gore introduced a proposal that goes to the bottom of the question. He advised that no war be declared without a referendum and the approving vote of the people. No better safeguard of peace among civilized nations could exist than such a provision in the treaty. It may be urged against it that there are occasions when an attack suddenly made would necessitate immediate action by the Government. If the spirit of the league is what it professes to be, there is no great likelihood of such an event. The proposed machinery of the league allows for a period of discussion in cases where controversies trend toward war, and plebiscites could be speedily arranged and carried out while these discussions were in progress. Should a nation take advantage of the situation, make a sudden attack, however, the Government would be ready to meet it and could trust to the patriotism of the people to sustain it. That is a supposable case, to guard against which all the machinery of the league would be impotent. Senator Gore's proposal is worthy of consideration, and if it can not be made an amendment to the treaty, it can at least be submitted to the league as a step in the direction of further minimizing the possibilities of war.

Mr. MYERS. Mr. President, I intend to vote for the pending amendment offered by the Senator from Wisconsin [Mr. LA FOLLETTE]. I have during my service in this body many times voted with the Senator from Wisconsin, and in this instance I intend to do so again.

It had been my hope to vote against every amendment and every reservation offered to the peace treaty; it had been my intention to do so if I could conscientiously. That was my decided intention and predilection for a long time. Every inclination on my part was in that direction, and until recently I thought perhaps I could conscientiously do so and favor ratification of the peace treaty exactly as it is. In the last few weeks I have come to the conclusion, however, that I can not conscientiously vote to retain in the peace treaty Part XIII, or, at least, that I can not conscientiously vote to ratify the treaty without first voting to strike out that part.

I believe Part XIII is fraught with possibility of great danger. I believe it is teeming with possibilities of trouble. I believe it would provide a nursery for the germination, sprouting, and dissemination of socialistic and bolshevistic doctrines, which would tend to create unrest amongst those who are already dissatisfied, to make people believe that they have further and greater grievances when they already claim that they have much in the way of grievances, and would tend to create disturbance all over the world. I think the result would be that it would extend to the entire world the industrial disturbance, dissatisfaction, and unrest which now unhappily exists in this country.

I believe the body or tribunal provided for by Part XIII would be a hothouse of freakish, fantastic, and radical ideas which would take root in the minds of ignorant and unsuspecting people everywhere and cause them to take positions which they would not otherwise take and make unreasonable demands which they would not otherwise make. There are hundreds of thousands of workmen in this country who are ignorant aliens, who know nothing of our institutions, of our laws, of

our traditions; who will give credence to anything that is told them that will tend to set them against the Government, against the established order of things, against organized society. They are easily misled and imposed upon. The investigation of the steel strike, which has been conducted by the Senate Committee on Education and Labor, has disclosed that there are thousands of ignorant, illiterate foreigners working in the steel mills who are told by agitators and demagogues and who believe that the Government will soon take over the steel industry and run it, and grant all of their demands and pay any wages they may ask; that there are thousands of them who are told and who believe that all they have to do is to stay out on strike a little while longer and the workmen will then take control of the steel mills and do away with bosses and run the mills themselves and fix their own wages and their own hours of labor. This shows how credulous they are, and there are millions of such in this country, to say nothing of the rest of the world. They are easily imposed upon. They furnish a fertile field for the sowing of socialistic, anarchistic, bolshevistic seeds; and the opportunity is readily taken advantage of by designing men. So it will be, in my opinion, if the international labor conference provided for by Part XIII of the treaty be established. There would be sure to be in it men from all quarters of the world who would seize this opportunity for trouble.

If the world labor conference for which Part XIII of the peace treaty provides were established, I feel it safe to assume that some of the most radical elements of labor to be found in the world would be represented there. They would be sure to proclaim loudly their radical ideas, their extravagant demands, their unreasonable complaints. Doubtless Mr. Arthur Henderson would be a delegate from Great Britain. Doubtless some of the most socialistic and radical representatives of labor from France and Germany would be delegates.

The radical elements of labor in all countries of the world seem to be dominant now. I suppose the radical elements of labor in this country would probably select the representatives of labor from this country. I believe there is to be, on the part of each country participating, one representative of labor, one of capital, and two of the public. I suppose it is fair to assume that representatives of labor from this country would take very radical and advanced ground. All the labor leaders seem to take those grounds now, or nearly all of them, and such as do not take those grounds seem disposed to drift with the tide.

As to who might be the representatives of the people of this country, of the public, I have no idea; we have no assurance as to who or what they might be. Mr. B. M. Jewell was appointed a representative of the public in the late conference between capital and labor that assembled here in the behest of the President. He is, I believe, who said a few weeks ago that, if a certain policy were pursued by the President, the railroads would be tied up so tight they would "never run again," which could only mean their physical destruction by dynamite or some other powerful agency.

Mr. William Bullitt and the former minister of the Gospel, Rev. Mr. Herron, have represented the people of this country, I believe, in some capacity in times past.

I do not say that such men would be delegated to represent the public in the proposed international labor conference, but we do not know what would be the character of the men who would represent the public. I do know the occasion would afford an opportunity for infinite harm. It would afford a forum for proclaiming every doctrine of unrest and evil. Plenty there be who would listen and believe.

I think the scheme a fanciful, socialistic creation which is fraught with great danger, and I am not willing to vote to ratify the peace treaty with that provision in it if it can be eliminated, and for that reason I shall vote for the amendment proposed by the Senator from Wisconsin [Mr. LA FOLLETTE], which would strike out of the peace treaty Part XIII, the part which provides for an international labor body of vast powers.

Mr. REED. Mr. President, I very greatly regret that the condition of my health is such as to have kept me from the Senate Chamber for a number of days, and that this morning, although I think the Senate has practically held this measure until to-day in order to give me an opportunity to express my views, I am still far from being in any condition to endure the fatigue or to rally the energies necessary properly to present this question either as its importance demands or even as my own poor abilities ought to be represented. I shall have to ask the indulgence of the Senate, therefore, if I proceed in a somewhat leisurely fashion, and if what I say may not be as well connected or as forcefully put as the dignity of the occasion and the importance of the subject demand.

We are about to vote upon a proposition to strike out Part XIII of the German peace treaty. Part XIII of the



German peace treaty is in reality part and parcel of the league of nations covenant, the league of nations covenant, as we have spoken of it, constituting the first part of the German peace treaty, and the labor question, which we are now discussing, constituting the thirteenth part. It has a very proper number, if there is anything in the old superstition that 13 is unlucky.

Part XIII was not submitted at the time the so-called league covenant or constitution was submitted. I believe it was withheld at that time for the purpose, if possible, of diverting attention from it and of bringing about the very state of affairs which now confronts us. The state or condition is that the attention of the country has been riveted upon the provisions of article 10 and article 13 and upon certain other provisions of the peace treaty, and Part XIII, which has to do with the labor proposition, has apparently been regarded as immaterial; and yet, sir, it is the most revolutionary, the most dangerous, and the most infamous of all the dangerous and infamous provisions of this document, which proposes to change the form and structure of the American Government and to betray the rights of the American people.

Every effort is being made to force this treaty to a vote; to force it to a vote without an opportunity for the American people even to understand its provisions. The cry is Haste! Haste! Ratify! Ratify at once; accept without deliberation! Why this haste? There never was a man yet who had a gold brick which he was trying to dispose of who was not anxious to make a quick bargain. There never was a man with honest goods who was not anxious to have a thorough examination. If this treaty contains the virtues that its proponents claim, then every day of discussion will add to their strength and every hour of investigation will bring forth more clearly their shining and glorious qualities; but if it will not bear the acid test of investigation, then its proponents must have a hasty consideration and a very prompt vote. So we were told before the original draft of the original constitution, now called a covenant, was presented that it ought not even to be discussed, at least until the President had returned and had shed light upon the subject for the benefit of the darkened intellects of the Congress and the country.

Again, in consonance with the same policy, when the President started back to Europe on March 4, I believe it was, he said publicly that he proposed to return to Europe and to tell the people of Europe that the people of the United States were for this league, although there was not 1 per cent of the people of the United States that ever had any opportunity to know what was in the league, and that he proposed to so intertwine and interweave the conditions of this covenant with the conditions of peace that we could not dissect them apart, the object and purpose plainly being to deprive the Senate of the opportunity of exercising its constitutional right and to compel it to accept an instrument in which it did not believe, which it did not think to be just, and to put upon it the hard condition of rejecting peace and perpetuating a state of war. It was the boldest declaration of a proposed attempt to deprive a coordinate branch of the opportunity to exercise its constitutional functions that has ever fallen from the pen or the lips of an American Executive.

But, Mr. President, the situation has eventuated a little differently than was anticipated. The world is at peace; peace is an accomplished fact. If we were to ratify the peace treaty to-day by the vote of the Senate, it would not in any substantial degree change existing conditions. We are free to take whatsoever time we need without injury to the public and without perpetuating an actual state of war, whatever may be the technical state; and we can wipe out that technical state by a resolution of Congress to-morrow without the slightest danger to the Republic or without yielding a single right we may desire to enforce. So that it is mere chicanery put upon the public when they are told that we must ratify the peace treaty in order to have a condition of peace.

Again, we are told that we must make haste in order that business conditions may be settled. What business conditions, I pray you? Is it our foreign commerce? The argosies of the nations are moving back and forth across the seas with as complete freedom of intercourse as they ever had in the history of the world, the solitary exception to that being where embargoes have been placed by orders of our allies against the ships landing at the ports of certain countries with which we are technically at peace and have always been technically at peace. I refer, of course, to Russia. There is no interference with trade except the interference that is made by the unlawful mandate of a body of men over in Europe to whose commands we seem to be a party, or at least trucklingly subservient.

But some say that the declaration of peace will bring stability to business; that if we will adopt the league of nations we will inspire the world with confidence.

Mr. President, we will inspire with confidence the international financier who has invested his money in the rotten securities of Europe, and if you will withdraw that force from the elements that are back of this league you will withdraw the most potential force that is there to-day or that has been there from the first—the gentleman who made his investments in European securities, either private or public, and who now desires to have those securities underwritten by the United States and indorsed by the blood and tears of the American soldier and the American mother of the American soldier.

I affirm, sir, that the rejection of this league of nations is the thing that would inspire with confidence the real business of this country, the American banker as contradistinguished from the international banker, the American banker who expects to make his money by dealing honestly with the American people instead of the international banker who looks to foreign fields that he expects to harvest, and who sees a golden crop that his hands long to gather. I affirm, sir, that to the American banker who expects to do business in America you can do nothing of a more disturbing nature than to adopt this league of nations, and you can do nothing that will bring him more confidence and peace of mind than to reject it. And why? Because if you adopt the covenant of the league of nations the domestic banker, the American banker, knows that you have contracted to become a party to every war of the world. He therefore knows that there lurk in Europe and in Asia and in Africa, in every part of the world, latent dangers or irritating causes which may at any moment bring about a condition of war, that you have multiplied by 10,000 the chances of war, and he knows that there is nothing in all the world so disturbing to business as the prospect of war. You have so disturbed the mind of the American banker and the American business man when you bring about a condition in which our affairs, financial and political, are so intertwined with the affairs of Europe and Asia that every disturbance there must be immediately and directly reflected here. You can not escape it.

Suppose that we were to-day to withdraw from the league, make our peace, and say to all the world that America intends to look after her own affairs, that she will not be a party to European wars, that she will not be a party to Asiatic controversies; that here, within her seagirt shores, relying on her own strength and responding only to her own liabilities, she will continue to grow and prosper. There is not a business man in the United States, there is not a financier in the United States, who would not recognize in that fact a guaranty of security for his investments honestly made in this country. So that when this talk is put forward that we must rush this treaty through in order to create business stability, it is the dishonest cry of the dishonest man putting forward a false argument in support of a false issue.

It is proposed, sir, to change the very structure of our Government, and we intend to rush it through without giving the American people the slightest chance to express their own opinions. Men may stand in this Senate, or they may stand in other places, and say they represent the voice of the American people; but the American people never have had an opportunity to utter that voice, and the American people have not yet had presented to them the issues that are really wrapped up in this proposed treaty.

We might as well talk plainly. To begin with, no man can understand this document unless he is a great lawyer, or the equivalent of a great lawyer—I mean when he is thrown back upon his own resources to analyze it. Moreover, in addition to being a great lawyer he ought to be a great international lawyer, and in addition to both he ought to have a profound knowledge of ancient and modern history and to have been a close student of the treaties now governing the nations of the world. How many men living fill that definition? How many men in this Senate fill it? I do not claim, for my part, that I fill these qualifications. Every time I turn my attention to this document I feel the lack of ability, the lack of training, the lack of knowledge pressing upon me as a heavy burden. Of course, there is the cock-sureness of the ignorant, which may be consoling to some individuals, but I believe I have never been guilty of thinking I was able to solve all the difficulties within the four corners of this remarkable document.

What the people can understand, if you will give them an opportunity to understand them, are the principles involved. I have the utmost respect for the intelligence of the American people, and if we will submit those principles to them in a clear way and let them discuss them until they have an opportunity to make up their minds what those principles are, then, and not until then, will they have had an opportunity to form an opinion. I say that it is an outrage upon decency that this thing is to be forced through before the American people have an opportunity to vote upon it.



I heard a great publicist, one of the great men of this country, say the other day that technically the Senate of the United States had every right to pass upon this treaty and technically the President had every right to negotiate this treaty, but that morally neither the President nor the Senate had the right to confirm and ratify and put this treaty upon the country until the people had had an opportunity to express themselves, for, said he, "It is a repudiation of our old traditions; it is a reversal of all those principles that the people have held dear; it is a denial of the things we have heretofore regarded as axiomatic." No man in public life was elected on this issue. The President was not elected upon it. The Members of the Senate were not elected upon it. No political party ever passed upon it. Now, the people of the United States have a moral right to a vote upon it, and that, sir, is what should be given them. That, sir, is what in the end they will have; but in the interval we will have entangled them in a web of European and Asiatic diplomacy and conspiracy from which extrication may be difficult.

So far as I am concerned, I intend to submit to this Senate and to the Congress a proposition to give the people of the United States a chance to cast an advisory vote upon this question, which, in very truth, undertakes to undermine the citadels of the temple of liberty that they have so long been building, and which seeks in a cowardly way to avoid the terms of the Constitution and to nullify its sacred precepts.

We heard a rumble yesterday at the elections. We on this side of the Chamber, gentlemen, may go off in a corner and hold a meeting with ourselves and resolve that the league of nations had nothing to do with it, but it is my opinion that it had much to do with it, and the only place where we saved our skins was where we rallied the cohorts of John Barleycorn and raised the glorious issue of "free booze" to a point where all other issues were obscured.

Mr. President, I think it was 53 days ago that Mr. Bullitt testified before the Foreign Relations Committee. I do not know much about Mr. Bullitt, but what I do know is of a favorable character. At least, it does not lie in the mouths of the proponents of this league to cast aspersions upon him or to question either his integrity or his intelligence, for he was selected by their side of this proposition to help write the league of nations for us and for the world. He is their agent. He was their selection. He bears the brand of their approval, and the certificate he had in his pocket was signed by them. Fifty-three days ago he testified before the Foreign Relations Committee, and this testimony, so far as I know, has never up to this date been denied by the parties concerned. When the representative of the press asked Mr. Lansing what he had to say in regard to Mr. Bullitt's testimony he said he was going fishing. Fifty-three days have gone by, and if to-day they were all to deny Bullitt's testimony, I would take Bullitt's statement, because they have allowed the 53 days to go by. When it takes a man 53 days to deny a proposition of this kind, that is too long a preparation for the presentation of the simple truth.

Let us see what was said by the Secretary of State. I will read now from the testimony given before the Foreign Relations Committee by Mr. Bullitt:

Mr. BULLITT. I do not think that Secretary Lansing is at all enthusiastic about the league of nations as it stands at present. I have a note of a conversation with him on the subject, which, if I may, I will just read, without going into the rest of that conversation, because it bears directly on the issue involved.

This was a conversation with the Secretary of State at 2.30 on May 19. The Secretary sent for me. It was a long conversation, and Mr. Lansing in the course of it said:

"Mr. Lansing then said that he personally would have strengthened greatly the judicial clauses of the league of nations covenant, making arbitration compulsory. He also said that he was absolutely opposed to the United States taking a mandate in either Armenia or Constantinople; that he thought that Constantinople should be placed under a local government, the chief members of which were appointed by an international committee."

This is a matter, it seems to me, of some importance in regard to the whole discussion, and therefore I feel at liberty to read it, as it is not a personal matter.

The CHAIRMAN. This is a note of the conversation made at the time? Mr. BULLITT. This is a note which I immediately dictated after the conversation. [Reading:]

"Mr. Lansing then said that he, too, considered many parts of the treaty thoroughly bad, particularly those dealing with Shantung and the league of nations. He said: 'I consider that the league of nations at present is entirely useless. The great powers have simply gone ahead and arranged the world to suit themselves. England and France, in particular, have gotten out of the treaty everything that they wanted, and the league of nations can do nothing to alter any of the unjust clauses of the treaty except by unanimous consent of the members of the league, and the great powers will never give their consent to changes in the interests of weaker peoples.'"

"We then talked about the possibility of ratification by the Senate. Mr. Lansing said: 'I believe that if the Senate could only understand what this treaty means, and if the American people could really understand it, it would unquestionably be defeated, but I wonder if they will ever understand what it lets them in for.' He expressed the opinion that Mr. Knox would probably really understand the treaty, and that

Mr. Lodge would; but that Mr. Lodge's position would become purely political, and therefore ineffective. He thought, however, that Mr. Knox might instruct America in the real meaning of it."

Mr. Knox has instructed America as to the meaning of it. But it takes many months for discussions of a legal character to be so conveyed to 110,000,000 people that they understand those principles and are able to make a practical application. Mr. Knox's instructions are that we ought to repudiate this entire document, make a peace, come home, and live as we have lived in the past, true to our traditions, true to our Constitution, and true to our flag. I think I epitomize the position of the Senator from Pennsylvania, who is present and who, I hope, will correct me if I have misstated him in any way.

Mr. President, a little earlier Mr. Bullitt said:

It is no secret that Mr. Lansing, Gen. Bliss, and Mr. Henry White objected very vigorously to numerous provisions of the treaty.

And those gentlemen have not come forward to deny that statement. So that you have nearly all the men there were over there representing America opposing, and saying, "This is not a proper treaty"; and without those things even being pointed out to the Foreign Relations Committee, and without the testimony of those gentlemen here, the demand is that we shall rush this document through, and back of the movement a propaganda financed as no propaganda was ever financed in the history of the world, systematically carried forward by paid agents planted in every State, and who have gone from State to State with the money of Mr. Taft's league in their pockets, every effort being made to deprive the people of an opportunity to know.

Among the things they do not know about, although a number of very clear and incisive speeches have been made on the floor of the Senate, is Part XIII, and Members of the Senate do not know about it. They retire to the cloakroom; they play the part of the snapping turtle, who, when disturbed, pulls in his head, pulls in his tail, shuts down his shell, and closes up. They are determined to vote for this league whether it is right or wrong. They are committed. Their massive minds are in a static condition and can not be moved. Argument does not appeal to them. "It is a Democratic measure," say some of them. "The President demands it," say others of them. Well, it is not a Democratic measure, for no Democratic convention ever passed on it. And if they are doing it simply because the President declares they should do it, without the exercise of their independent judgment, they ought to go and live in a country where one man does the thinking for all the people. They ought not to sit in a body under a Constitution that makes it their duty to exercise an independent judgment, and they ought not to hold up their hands and swear to God they will sustain and uphold that Constitution and then lay down their judgment and transform themselves into a mere servile brood fawning at the feet of Executive authority.

Mr. President, one further preliminary word, and then I want to pay some attention to Part XIII. A number of gentlemen are solacing their souls with the fact that they will not vote for amendments, but they are going to do the same sort of thing by voting for reservations. They state that no matter how good an amendment is it might be defeated, and it is defeated by the votes of men who say that every principle contained in the amendment is wise and just and proper and necessary, but they will not vote for it because it is an amendment. They will, however, save their consciences and anoint their tender sensibilities by a reservation.

Now, let us see what real sense there is in that position. If a reservation is the equivalent of an amendment in its effect, then the amendment must be the equivalent of the reservation in its effect, and two things that are the equivalents each of the other are exact equals; and if they do accomplish the same purpose and bring about the same end, then why is it that men will adopt one and refuse the other? I will tell you why. A reservation is the last resort of cowardice. It is the hole through which the little soul of a fellow who is not willing to stand up and front the people seeks to escape from responsibility. It is the crack in the fence through which a hound dog always seeks to escape. The mastiff turns at bay and fights, or else he takes the fence at a jump. He does not go cringing and crawling and whining; and some of them have their heads stuck in the crack now and do not know whether to back up or go ahead.

The VICE PRESIDENT. The Chair feels that he will have to call the Senator from Missouri to order.

Mr. REED. For what reason?

The VICE PRESIDENT. If that is not imputing to Senators conduct or motives unworthy or unbecoming, the Chair does not know what is.

Mr. REED. The Chair is putting a construction upon what I am saying that I do not intend to imply at all. I am simply



using figurative language in painting a situation, and not to attack any individual.

The VICE PRESIDENT. Well, the Chair thinks it is going too far.

Mr. REED. Of course, if the Chair thinks so I will use other language.

The VICE PRESIDENT. The Senator from Missouri objected the other day when another Senator used language which he characterized as unparliamentary.

Mr. REED. I will get another metaphor that is more pleasant. I have not the slightest desire to reflect upon individual Senators. I am discussing a situation that is presented here, and I think the voluntary calling to order by the Chair is very unkind.

The VICE PRESIDENT. The Chair does not mean to be unkind, but the Senator charged a body of Senators with being snapping turtles and dogs and things of that kind.

Mr. REED. No; I have not charged them with being dogs or snapping turtles. I used a comparison that came into my mind to express an idea, and not to describe them at all; and the text of my speech will so show, and it will be printed without any corrections.

When I say that men close their minds like snapping turtles I do not call them snapping turtles. If I said they acted like angels, I would not mean to say they were angels, for that would be equally far from the truth.

Mr. KING. Will it disturb the Senator if I ask a question at this point?

Mr. REED. Not if it has anything to do with what I have been saying.

Mr. KING. Indeed it has. The Senator has been criticizing some who have preferred reservations to amendments. So that I may make myself very clear I wish to call the Senator's attention to Part XIII, which we are now considering. The Senator from Wisconsin [Mr. LA FOLLETTE] has moved to strike that part from the treaty. I have had the honor to offer a reservation which states in substance that the United States declines to enter into that part of the treaty, to be bound by it, or to participate in it at all. It strikes me, and I am quite sure that it is the view of many Senators, that if other nations signatory to the treaty want Part XIII, that is their business. Let them have it. We therefore ought not textually to amend by striking out Part XIII. If we do not want to participate in it we can reach that point by reservation. Does not the Senator think that position is sound?

Mr. REED. No; I do not. I do think, though, that in the particular case which the Senator now states it can fairly be said that if he wants to allow Part XIII to become the rule among the nations of the earth, we alone being excepted, there is a difference between that and striking it out. However, if it were stricken out and the other nations wanted it, they could still get it.

The difficulty with the proposition is, I would say, by way of clearing this one matter up and then passing on, that if Part XIII is so iniquitous that we should not enter into it, we should not help to set it up by making it a part of the machinery of the league of nations. If it be socialism and anarchy here to us, we ought not to help set it up in other parts of the world.

Mr. MCCORMICK. Mr. President, will the Senator yield?

Mr. REED. Yes; though I do want to get through.

Mr. MCCORMICK. I only desire to ask the Senator if he believes we ought to take water and wash our hands of it? Would not that be enough?

Mr. REED. I do not think so. I never did think much of Pontius Pilate.

Mr. MCCORMICK. That is what I wanted to bring out.

Mr. REED. Who said, "Take ye Him and crucify Him." I do not think much of the statesmanship which says, "There is a thing that is utterly bad and must not be put upon our country, but we will help create an organization and we will confer upon that organization the power and the authority to bind all the other nations of the world."

Let us come back to the proposition of the distinction between reservations and amendments. The reservationist says his reservation accomplishes the same thing. Men have sat here and voted against the Shantung amendment, have voted against other amendments; but they have done it because they are going to put in a reservation. If the reservation accomplishes the same thing as an amendment, why not vote for the amendment? If the amendment is the same thing as a reservation, why not vote for the amendment?

Mr. SMITH of Georgia. Mr. President—

The PRESIDING OFFICER (Mr. HARDING in the chair). Does the Senator from Missouri yield to the Senator from Georgia?

Mr. REED. I yield.

Mr. SMITH of Georgia. Take the reservation offered by the Senator from Utah [Mr. KING]. It does not accomplish the same thing, but it accomplishes everything, so far as our country is concerned, that we can ask for. It frees us from any responsibility or connection with Part XIII and simply says "the balance of you may make your own arrangements to suit yourselves; we are not running your end of it, but we will not be a party to it."

Mr. REED. I have already stated my proposition on that point, and, I think, correctly. I think the Senator is not at variance with me in regard to that particular provision. I stated then that if it is such an iniquitous thing that we will not adopt it ourselves, we ought not to help to set up international socialism elsewhere. If we do not want international socialism to thrust its ugly, scaly head into the public life of this country, we ought not to create the serpent to wind its coils around other countries. If we do not want it in our own country, we ought not to help create it or sanction it.

Mr. SMITH of Georgia. If we decline to connect the United States with it, if we distinctly state that we will not assume the responsibilities provided for or be a party to the provisions covered by Part XIII, how are we creating it? Are we not simply leaving it for other countries to determine whether it is a thing which will help them? Something might help them which would not help us.

Mr. REED. Ah, Mr. President, but the Senator of course does not—

Mr. SMITH of Georgia. I want to go one step further. Is it a responsibility that we ought to carry, so far as they are concerned?

Mr. REED. That just depends upon our viewpoint. If we are going to return to the old American doctrine of coming back home and attending to our own business and letting Europe alone, then we could well say, "We propose to have nothing to do with your arrangements regarding international socialism."

But that is not the position of the Senator, and that is not the position that we are taking in this league. We are setting up an instrumentality here to govern the world, and we are assuming the responsibility of interfering in the affairs of the world; but we come to one proposition so obnoxious that we can not swallow it, so we reserve the right to throw that out, though at the same time the organization we create is authorized to go straight on and, for the rest of the world, set up international socialism. Now, the Senator knows if that is being done by the league of nations internationally, it will eventually force its way into this country.

Mr. SMITH of Georgia. I wish to ask the Senator if it is not at least true that the reservation of the Senator from Utah takes us entirely out from it, frees us from contributing anything toward the expense, frees us from the responsibility of the distribution of any of their publications, and that even socialism might help in Russia if it is better than what they have?

Mr. REED. I think not.

Mr. SMITH of Georgia. Then let me ask the Senator a further question. If he is so opposed to our undertaking to dictate and interfere in European affairs, ought not he at least to be pleased with the action as to Part XIII where we, as a member of it, by reservation undertake to define its application to us?

Mr. REED. I would rather have the United States left out by a reservation than be put in. What I am complaining about is that Senators say, "This is international socialism; it is a wicked thing; it is a serpent that crushes liberty and destroys rights. Now, we will not permit it to come into our own country, but we will help set up an organization that proposes to sanction it by international law and by custom, and we will create it every other place." And if you do that, I warn you that it will twist itself about the columns of the temple of liberty in this country.

Instead of voting for that, why not vote to strike it out? What is the reason? Now, I come to the only reason that is ever offered or that I have ever heard offered for a reservation. They say if we amend the treaty, it has to go back to the peace conference and that all of the delegates have to be reassembled. The men who say that know it is not true. They know it is not true, because the peace conference is now in session and has never adjourned. It has been in session for many months. All they would have to do in the world would be to send back the treaty to that conference, now in session, and they know it. Yet from high places the people of the United States have been told that they would have to reassemble the peace conference.

But some of them say you have to call in Germany as part of these matters; that is, of course, incorrect, because Germany is not a party to the league of nations, and as to any amendment to the league of nations proper, as we talk of it, Germany does not have to be called in for she is not a party to it.



But suppose that Germany had to be called in, let us apply some common sense to the proposition. How long would it take to call Germany in and how long would Germany dare to hesitate to agree to any amendment that the rest of the nations had agreed to, particularly when that amendment does not substantially check her fortunes? In one moment we are told that Germany is so powerful and so potential that we dare not go back to her with a mere verbal change in an instrument that does not affect her fortunes, lest she rise up and refuse to any longer agree to this treaty. In the next breath we are told that Germany lies prostrate and will for the next half century. The fact is that Germany desires this peace more than anybody and Germany desires a league of nations more than any nation on earth.

Gentlemen have had the impudence in various parts of this country and the unkindness in this sacred Chamber to intimate that those who want to change the treaty or to reject the league of nations are pro-German. Yet, sir, they know that there is not a German statesman of any size in the world who has not advocated the league of nations. They have been advocating the league of nations and the 14 points ever since they surrendered. I can bring here to the Senate and read from their declarations by the hour to that effect. The German delegates to the peace conference and the German delegates to the international labor conference came with the same demand upon their lips. No man here will challenge that statement. If there is such a man, I would like to have him challenge it now.

Mr. President, what is the genesis of Part XIII? I assert that Part XIII of the treaty was born in the brain of the international socialist, anarchist, and Bolshevik; that it is the realization very largely of his dream that he has entertained for years. I wish, if my strength permits me, to bring that to the proof. I say that the convention now assembled in the city of Washington has in it as representatives the very men who have taught the infamous doctrine of the Bolshevik of Russia and the international anarchist who has made Europe an unsafe place.

There has been in existence for many years an international society. It has taught the doctrine as its fundamental that labor not only lies at the basis of all progress, but that the laboring man, being the basis of all progress, has a right to control the world. They have taught the doctrine that capital has controlled governments, and that it is the business of the men who work with their hands and their bodies to organize and control and take over the governments of the earth, and through international societies to create a condition whereby they can defy and disregard all the governments of the earth. That is their fundamental; that is their doctrine. They taught—and they taught it with tons of literature—that when war should be declared it was the business of the laboring men to refuse to fight each other in different countries; to go into a state of rebellion; that there was a brotherhood of men who happened to work with their hands, and that that holy brotherhood should control this entire world. If I had the time this afternoon, I could put in document after document and book after book in demonstration of what I have said.

The last of these international societies, save the one that I am going to call attention to, met in 1912, and went to the very limit in the declaration of these principles. When war was declared, to the astonishment and disgust of these reformers, the German socialist and the French socialist said, notwithstanding his international obligation, he would adhere to his own country. So they became powerless for the time being to carry out their scheme. Afterwards, however, the same crowd of men, speaking generally, met in Switzerland. You remember that to that Berne convention Arthur Henderson, member of the British Parliament, was a delegate. British firemen refused to fire the boilers of the ship that was going to carry him and his fellow delegates. Mr. Arthur Henderson is in Washington, or, at least, is a delegate accredited to the convention now sitting in Washington. The firemen's strike seems to be over so far as he is concerned.

Mr. KING. Possibly he came on an American ship.

Mr. REED. Possibly so. These conventions sowed the seed that resulted in breaking the Russian lines. The Russian soldiers were convinced that they had the right to refuse to obey the authorities over them. So they broke the Russian lines right in the very crisis of this war.

This same crowd of gentlemen introduced their seductive doctrine—seductive to the ignorant—into the Italian Army, which was one of the great forces that produced the Italian debacle. They introduced it into the English Army until it became a menace, and also into the French Army. They were working assiduously, night and day, to undermine the military forces of those countries; and if they had then succeeded Germany would have triumphed, and the so-called saving of the world for democracy would have ended in a bloody catastrophe.

Mr. President, these gentlemen got together at Berne, Switzerland. They met, I believe, on February 2, 1919. I hold in my hand a book entitled, "The Spirit of the International at Berne," by John de Kay, published for free distribution. Mr. John de Kay introduces himself by saying that he is an internationalist and a socialist. He attended this convention; and I am asking the attention of the Senators who are present to the fact that every principle laid down by that convention at Berne is found in Part XIII, recognized expressly and adopted, or, if not adopted, in substance pledged for the future.

First, let us look at the magnitude of this organization. It is declared on pages 6 and 7 that before the war they had a membership of "between ten and twelve million affiliated through their national sections." Mr. de Kay states:

It is now still possible to make such a computation for some countries. The British delegation represented four and a half million members; both French delegations represented 1,000,000 members; the Canadian delegation represented 500,000 members. \* \* \* The German delegations came in the name of all the social and labor votes of their country, numbering about 12,000,000 voters in the socialist majority and about 3,000,000 of the independent party. The Lettish, Estonian, and Georgian delegations represented a great part of their people. The Russian figures are completely unknown. They may be 1,000,000 or 10,000,000. \* \* \*

Instead, then, of speaking of 12,000,000 people, we may, without the least exaggeration, speak of more than 50,000,000 of men and women.

He states that—

The French and German delegates met, not as enemies and not as friends, but as fellow men who were common sufferers from a common source, and who recognized that this source was an international caste which throughout the world had maintained its international and identical interest, while it had found the realization of its temporary and material ends by exploiting the sentiments and nationalism of the masses who in all nations have a common interest, and are nationals in nothing except tradition, name, and prejudice.

As I pass on you will observe that the whole of the teaching of these gentlemen are that there shall be no nations; that we are to be drawn into one common world government, and that world government to be run by labor.

Now, I wish to say here that there does not stand upon this floor a man who has more consistently fought for the cause of union labor than myself. In so far as labor ever comes asking for things that it justly ought to have, I intend to support it; but when it is proposed that labor shall break down our Government or a part of it, when it is proposed that in the name of labor men shall assail the Constitution of the United States and shall set up a part of the people to rule over all of the people, at that point, as an American citizen, I protest.

I wish to continue presenting these views. Mr. de Kay constantly attacks every other class except the men who labor with their hands. He speaks sneeringly of "hard-working diplomats, lawyers, armament makers, and pirates of high finance." Then he makes this declaration:

These great bodies—

That is, the labor organizations—

should, without delay, create a world parliament—

A world parliament; get that—

a world parliament standing for the interests of the masses of labor in all lands and dedicated to a protection of the general social welfare without distinction as to race, nationality, or religion. Such a world parliament should meet three or four times each year in the capitals of various nations. It should be provided from the general funds with its own public buildings and expenses; it should elect its executive board of action and confide to such a board or cabinet the powers to carry out decisions, summon the parliament in the event of a crisis, and by the decisions of such a parliament the labor and socialism of the whole world should abide, and upon its mandates they should act.

And that, sir, is written in Part XIII; every principle embodied in the statement I have read is in Part XIII of the pending treaty.

There is no time to be lost in the creation of this unique and only body through which exploitation and wars may be abolished. \* \* \*

This is not the time to foster revengeful measures against one nation or another or to inflict arrogance upon vanquished men whose despair will lead to a form of social upheaval which will cross all national boundaries. This is to-day only an eventuality, but it may soon be a reality. \* \* \*

As one who has associated with the plutocrats and who knows their arrogance and blindness and how reluctant they are to believe in anything except the omnipotence of their own powers, I feel that they will only act in any new or reasonable way under pressure of the most direct and irresistible sort. \* \* \*

Gradually the feeling is gaining ground that the policy of negotiation is failing and concurrently with this sentiment the ideas of constitutional action are passing from the minds of men. This is an ominous sign which he who runs may read. It bears a sinister inscription which must not be ignored.

Let there be no mistake as to what these words mean. If there is to be "no more war," it means complete disarmament for every nation. And if "all is possible" is not to be translated into universal violence, it means that those who now rule mankind through industrialism and governments must by conciliation and negotiation enable the toilers throughout the world to realize without delay their natural and legitimate demands. These are set forth with great moderation in the resolutions and speeches here published.

They are in this book.

It will be well for the ones in whose hands the fate of mankind temporarily rests in Paris to take into full account the moderate demands of the patient men who were represented at Berne and who represent the class which is in the future to rule the world.

Who represent the class which is in the future to rule the world!

I commend these pages to the consideration of all who have any voice in the affairs of men, with the solemn warning that unless the message of the international at Berne is heeded without delay there will be no escape from violence and dictatorships; and, contrary to official calculations, the violence will precede the dictatorships.

This calamity should and may still be averted on the lines I have indicated. If these are ignored, any physical force which can be employed will be no more potent than a man raising his hand to stay a hurricane, which unfortunately goes its way and carries everything before it.

He has put in one paragraph the demands of the Berne people. Mr. President, what are some more of these demands?

The league of nations must further prevent all economic war by the establishment of free trade.

This is one of the resolutions adopted:

The functions of the league shall include the establishment, development, and enforcements of an international labor charter.

And the international labor charter is Part XIII, now submitted to us.

This is another of their resolutions:

The conference urges the socialists of the whole world to close their ranks and not to deliver the revolutionary peoples into the hands of international reaction.

He calls upon them to do their utmost to secure the triumph of social democracy. Then they present their demands to a labor charter. They say:

The limits which capitalism has reached are very different in the various countries. One of the dangers here involved is that industry and labor of the more progressive countries are injured by a system of swayed labor in the more backward countries. The need to establish an international standard of labor legislation—

That is what we are doing—establishing an international standard of labor legislation.

Now, listen to this: If I were to say to the people of America that it is coldly proposed by those who bring forward Part XIII that labor unions, getting together through their representatives, should pass labor resolutions regulating labor conditions throughout the world, and that that is to constitute international law, there would be some doubt about it; and yet that is the proposition, I shall demonstrate, of the Berne convention and the proposition of the men who drew Part XIII—that a labor resolution shall constitute international law and bind the world. I am coming to that in a minute.

The Berne conference having taken into consideration the resolutions adopted by the international trade-union conferences of Leeds and Berne, and without prejudice to any more far-reaching resolutions which may be adopted by trade-unions, demands that the following minimum requirements, which are already carried out in part in some countries, shall be converted into a code of international law by the league of nations on the conclusion of peace.

Then they have their eight-hour day, which they specify; forty-eight hours a week; time to begin work and time to close work; 36 hours from Saturday to Monday—less time where men are employed in dangerous trades—prohibition of the use of poisonous articles in work.

In all districts where there is home work, wage boards, representatives of employers and workers, shall be instituted, with the duty of fixing legal rates of wages. The rates of wages shall be posted up in the work places. Immigrant workers shall enjoy the same rights as the workers of the country into which they immigrate as regards joining and taking part in the work of trade-unions, including the right to strike. Any interference with the exercise of the right of combination and association should be punished.

Now, this is all to be international law.

Every foreign worker shall have a right to the wages and conditions of work agreed to between the trade-unions and the employers of his trade. Where no such agreements exist foreign workers shall have a right to the wages customary in the locality for their trade. \* \* \*

Immigration shall not be prohibited in a general way. The rule shall not affect—

(a) The right of any State to restrict immigration temporarily in a period of economic depression in order to protect the workers of that country as well as the foreign immigrant workers.

But outside of that they propose to say to the sovereign nations of the world that any man can go from any country to another country and live there; and why not? If all barriers are to be broken down; if, instead of nationalism, we are to have internationalism; if we are to pull down the American flag and run up an international rag; if we are to destroy our Government for the benefit of the socialists and anarchists of other countries, then why not the thing they demand here, namely, that all men can go from one part of the world to another and settle and do as they please?

Then they graciously concede the right to the State to prohibit immigration temporarily for the purpose of protecting health:

These exceptions can, however, only be admitted in agreement with the commission provided for in article 15.

That is to say, before a State can do these things, before it can introduce these exceptions, it must get the permission of a commission to be set up by the labor organizations of the world—not the labor, but the socialists—for I take this occasion to exculpate the great body of American union labor from the charge that they are international socialists, or that they are anything but good American citizens, and, although they have made many mistakes, and although they sometimes make mistakes in their officers, it is because at heart they are good American citizens that so many times outrages have been prevented by the men themselves.

They demand that the States shall contract to carry out these propositions, and add this:

Moreover, the contracting States shall convoke as speedily as possible an international conference charged to take effective measures against the reduction of value of wages and assure their payment in money which has not depreciated in value.

All workers shall be insured by the State against industrial accidents. \* \* \* A system of unemployment insurance shall be set up in every country.

Now, article 13:

A special international code of law for the protection of seamen shall be established. This code shall be drawn up with the collaboration of the seamen's unions.

International law is to be drawn in collaboration with a labor union—not with all the people who have to live under it; not with the great mass of humanity who are concerned, but with a few of them who are organized. That is all there is to Bolshevism. Bolshevism is the control of the entire people by a class of the people. They simply say that the man who labors and is organized shall run the Government and have everything, and that the men who are not so situated shall be controlled and governed by them. That is all there is to Russian Bolshevism, sovietism, or any of the other "isms," including anarchism.

I want to read, in connection with just what I did read, section 13 of these resolutions:

The enforcement of these provisions shall, in the first place, rest with the labor departments of each State and their industrial inspectors. The trade-unions shall assist in the effective enforcement of the labor laws. Employers who employ at least five workers of foreign tongues shall be required by law to post up in the mother tongue of such workers all labor regulations.

Now I read Part XV:

With a view to the carrying out of this treaty and the further promotion of international labor regulations, the contracting States shall appoint a permanent commission—

Now, get this—

consisting in equal parts of representatives of the States which are members of the league of nations and of the international trade-union federation. The commission shall prepare the ground for and convoke conferences of representatives of the contracting States, which shall be held every year to promote international labor legislation. One-half of the voting members of the conference shall consist of representatives of the organized workers of every country. The conferences shall have power to adopt binding resolutions within the scope of the powers conferred upon them.

And, as said elsewhere, they are to have the effect of international law.

Now, Mr. President, what did they do at the Paris peace conference? They proceeded to adopt Part XIII, and Part XIII does provide for this very conference to which I have referred. It provides for it in this way: It provides that there shall be four delegates from each of the member States. Two of these delegates are to represent the governments, the ordinary people; one of them is to represent the employer of labor; and one of them is to represent organized labor. The solitary distinction, you will observe, between the recommendation of the Berne convention and what was done is this, that the Berne convention demanded that 50 per cent of the representatives should be selected by labor. The authors of this labor provision gave them 25 per cent and gave the employer 25 per cent. But the principle is fully admitted. They did set up the tribunal. They did not give to labor exactly the votes that labor demanded.

But let us see how that happened, why it was accepted. I read from the June number of Current History:

Some difference of opinion made itself felt on the commission as to the relative numbers of the delegates representing the governments, the employers, and the workpeople, respectively. The French, American, Italian, and Cuban delegations contended that each of these three parties should have equal voting power. They maintained that the working classes would never be satisfied with a representation which left the Government and the employers combined in a majority of three to their one.



In other words, the proposal amounted to giving the States a veto on the proceedings of the conference, which would create so much distrust of it among the workers that its influence would be seriously prejudiced from the start.

The adoption of a proposal to which the majority of the Governments were opposed would not lead to any practical results, as the legislative authorities of the Governments whose delegates were in the minority would in all probability refuse to accept it.

This was the argument that prevailed.

Moreover, it was likely—especially in the future—that the Government delegates would vote more often with the workers than against them. If this were so, it was obviously to the advantage of the latter that the Governments should have two votes instead of one, as it would render it easier for them to obtain a two-thirds majority, which, under the Franco-American proposal, would be practically impossible if the employers voted in a body against them.

The commission finally decided by a narrow majority to maintain the proposal that each Government should have two delegates.

In a word, Mr. President, abandoning reading, all the records show that after a considerable dispute there as to whether labor should have 50 per cent of the votes and the Governments 50 per cent of the votes, they reached this compromise, and labor accepted it; or the representatives, not of labor, but the international socialists accepted it, because the international socialists became convinced that they could control the Government vote. Of course, in that conclusion they were perfectly correct, for if you give to one class of the people the right to select 25 per cent of the voting strength in a body, and to do that directly, and then you give to that same class the right, as citizens of a State, to participate with all the other citizens of the State in selecting the representatives of the Government, it is almost inevitable that in the end they will control the selection of the Government delegates.

In a word, it is the principle of Bolshevism once more introduced. Here is a country with 110,000,000 people. I understand that about 4,000,000 are organized. That 4,000,000, or one twenty-fifth of the people of the United States, are given one-fourth of the representation directly in this great tribunal that is to write international law and control the destiny of the world. Then they have the right to throw their power into the general elections and into the selection of the Government, and to control, as far as they are able, the selection of the other two men who are to be sent there to represent all the people.

The man who belongs to one of these organizations first is given twenty-five times the power in the selection of this tribunal that the average man is, and all the rest of the people may not be organized, but are just simply ordinary people, and go along with no other representation than that which is accorded to the organized man as a citizen of the State, and then that organized man is given directly twenty-five times the representation outside. It is the introduction into our system of the proposition that a class shall rule, that the organized worker shall have a vote separate and distinct because he is an organized worker. That vote may be the controlling vote that governs the destiny of the United States or of the world.

To proceed with this a little further, Mr. President, I have read you that the Berne convention demanded the right for these bodies that were to be created, as they demanded they should be created, one half the representatives of labor and the other half the representatives of all the rest of the people, including labor, labor being thus twice represented; I have read you how that convention demanded that the decrees of this body should constitute international law. Let us see what was done about that by the men who prepared the peace treaty.

I read now from the July number of Current History, page 15. The writer discusses the representation of labor.

Demand of the German delegates.

I think it is worth while reading all this. It says:

The note of Count Brockdorff-Rantzau, of May 22, is as follows.

You will notice that this German followed exactly the recommendations of the Berne convention and spoke for Germany. Again I say, and I say it with a vehemence that I wish could reach every part of this country, that I want to hear no more of this talk that those who oppose this treaty are playing into the hands of Germany, when every German of prominence in the world has declared for it; when this German, from whose utterances I am about to read, representing Germany, stands as the special sponsor for Part XIII, only complaining that it does not go far enough. This is his note addressed to M. Clemenceau:

Sir: In the name of the German delegation I have the honor to acknowledge the receipt of your reply note, dated May 14, 1919, which has been given us on our note concerning international labor legislation.

The German delegation takes note of the fact that the allied and associated Governments are of one mind with the German democratic Government in believing domestic peace and the advancement of humanity to be dependent on the solution of labor questions. The German delegation, however, does not agree with the allied and associated Governments as to the ways and means of arriving at the solution.

Let us go back and note something.

The German delegation takes note of the fact that the allied and associated Governments are of one mind with the German democratic Government in believing domestic peace and the advancement of humanity to be dependent on the solution of labor questions.

That may be true elsewhere, but it is not true here. We may have some strikes and we may have some difficulties here. Strikes and difficulties and wrangles are sometimes not altogether unhealthy. I can say to the international socialists of other countries that the United States of America can take care of its labor problems, and will take care of them, and that we have no fear of the result. We can maintain peace in the United States and will. If the peace were seriously imperiled in our country, the very men who belong to these labor unions would flock to the standard of the Republic. There would be some foreign internationalists who would not. There would be some scoundrels here from abroad who would not. There would be some anarchists who would not. But when we get through with those gentlemen, if they start a sedition, there will not be any necessity to put any guards over them when they are shipped back to their own countries, if they are sent there for internment.

But I want to read this statement. I am cutting it up by my own comments, which I ought not to do. I shall ask permission to have the article printed in full at this point.

The PRESIDING OFFICER. Without objection, it is so ordered.

The matter referred to is as follows:

#### NOTE ON INTERNATIONAL LABOR.

The exchange of notes between the peace conference and the German delegation regarding international labor legislation, as made public, consisted of the English text of a note dated May 22, from Count Brockdorff-Rantzau to President Clemenceau, and the allied reply from President Clemenceau, dated May 31.

The note of Count Brockdorff-Rantzau of May 22 follows:

"Sir: In the name of the German delegation I have the honor to acknowledge the receipt of your reply note, dated May 14, 1919, which has been given us on our note concerning international labor legislation.

The German delegation takes note of the fact that the allied and associated Governments are of one mind with the German democratic Government in believing domestic peace and the advancement of humanity to be dependent on the solution of labor questions. The German delegation, however, does not agree with the allied and associated Governments as to the ways and means of arriving at the solution.

In order to avoid misunderstandings and false impressions the German delegation deems it to be necessary to elucidate the fundamental conditions precedent underlying their note of May 10, 1919.

In the opinion of the German democratic Government the final decision in questions of labor law and labor protection belongs to the workers themselves. It was the intention of the German delegation to give occasion, even while the negotiations of peace are proceeding, to the legitimate representatives of the working people of all countries of casting their vote on this point and bringing into conformity the draft of the conditions of peace the proposal of the German democratic Government and the resolutions of the International Trade Union Conference held at Berne from February 5 to February 9, 1919. Contrary to this proposal the allied and associated Governments do not think it necessary to call a labor conference at Versailles for this purpose.

The International Labor Conference contemplated to be held at Washington, D. C., to which you refer in your reply note of May 14, 1919, can not replace the conference demanded by us, because it is to be held on the principles which are established by the draft of the treaty of peace for the organization of labor. The latter, however, disregards the demands raised by the International Trade Union Conference in Berne in two material directions. The first divergence is in respect to the representation of the workers. According to the proposal of the International Labor Conference at Berne one-half of the members of the conference entitled to vote must consist of legal representatives of the workers of each country who are organized in trade-unions. The German delegation has endorsed this proposal by transmitting the protocol of the International Trade Union Conference at Berne.

#### "REPRESENTATION OF LABOR.

"Contrary to this, the draft of the treaty of peace grants to the workers only one-quarter of the total votes at the international conference, for according to the draft of the allied and associated Governments each country is to be represented by two Government delegates, one employer and only one worker. The Governments are even in a position, according to article 330 of the draft of the treaty of peace, to exclude the workers' vote by nominating an employer, and thus giving to Government bureaucrats the casting vote as against the representatives of practical life. This system is at variance with the democratic principles which to the present day have been upheld and fought for in common by the whole international work people, and will deepen the impression held among the workers that they are, as before, furthermore to be the object of legislation governed by the interest of private capital.

"The second divergence refers to the legally binding force of the resolutions of the conference. According to the resolutions of the International Trade Union Conference at Berne, the International Parliament of Labor is to issue not only international conventions, without legally binding force, but also international laws which, from the moment of their adoption, are to have the same effect (legally binding force) as national laws (proclamations to the workers of all countries, adopted by the International Trade Union Conference at Berne, 1919, at the motion of Jousaux, the delegate from France). The draft of the German democratic government endorses this resolution, and makes the passing of such laws depend on the assent of four-fifths of the nations represented. No such resolution can be passed by a conference which is called on the basis of part 13 of the draft of the treaty, but only recommendations or drafts which the Governments concerned may adopt or repudiate, and for such nonobligatory proposals a majority of two-thirds of the votes cast is even required.



## "ESSENTIAL TO SOCIAL PEACE."

"In so providing the draft of the conditions of peace deviates to such an extent from the resolutions of the International Trade Union Conference at Berne, that a discussion and decision by the organizations of labor, as part of the peace negotiations, is absolutely imperative. This would at the same time be in accordance with the demand raised by the International Trade Union Conference at Berne, that the minimum claims of labor agreed upon be, already at the conclusion of peace, turned into international law by the society of nations. Moreover, a firm foundation for the peace of the world shall be erected by this means, whereas a treaty concluded by the governments alone, without the assent of the organized workers of all countries will never bring forth social peace to the world.

"The allied and associated governments give no place to these considerations in their reply. As have above been illustrated, the resolutions of the International Trade Union Conference at Berne are in fact not taken into consideration by part 13 of the draft of the treaty of peace, so that the fears expressed by the German Democratic Government with regard to social justice are in reality not taken into account. This fact must be noted. If we are apprised by the reply note that the representatives of the trade-unions of the countries represented by the allied and associated governments have taken part in the elaboration of the clauses of the conditions of peace relating to labor, we must, on the other hand, make note of the fact that they have made no announcement of any kind notifying a change of their view on the resolutions of the International Trade Union Conference at Berne, much less of an abandonment of these resolutions which they sacredly have adopted.

"The German delegation again moves to call a conference of representatives of the national organizations of all trade-unions before the negotiations of peace are terminated. Should this motion again be rejected, an utterance of the leaders of the trade-unions of all countries is at least necessary. In moving this we desire to bring about that the provisions of the treaty of peace relating to labor may also have the approval of all trade-union organizations.

"Accept, sir, etc."

## TEXT OF ALLIED REPLY.

The following is the allied reply, dated May 31, signed by President Clemenceau, to the Brockdorff-Rantzau note of May 22 regarding international labor legislation:

"The president of the peace conference to Count Brockdorff-Rantzau. PARIS, May 31, 1919.

"SIR: In the name of the allied and associated governments I have the honor to acknowledge the receipt of your further note dated May 22, 1919, on the subject of international labor legislation. (Conditions of Peace, pt. 13.) The reply is as follows:

"1. The German delegation states the principle for the German National Government, that to the wage earners belongs the final decision in questions of labor law. The allied institutions hold it to be their duty to collaborate with labor in the formulation of such law, but the laws must be passed by representatives of the whole community.

"2. The allied and associated governments draw attention to a misconception in the note to the German Government on May 22, 1919, namely, that the views and interests of Governments must necessarily be antagonistic to those of labor. Accredited labor representatives now form some part of the genuine democratic governments of the world, and the assumed antagonism is not likely to be found anywhere save in the case of governments which are democratic only in name.

"3. The allied and associated Governments fail to find in your letter any useful guidance as to how the principles involved could in any case find definite expression in the peace treaty. The labor organization, which was submitted to representatives of labor, can deal in a practical manner in any proposal put forward by any one of the affiliated members. It is not correct to say that the demands raised by the International Trade Union Congress at Berne are disregarded, inasmuch as the points raised in these resolutions, as well as all other relevant considerations, were discussed and carefully considered, and for the most part are embodied in the preamble of part 13 or in the general principles which are accepted to guide the league of nations and the labor organization in the attainment of social justice. There is manifestly no need for another conference to repeat those resolutions or to cause unnecessary confusion or delay by adding to or departing from them. The widest publicity has been given to the plan of labor organization and the responsible trades-union leaders have been given an ample opportunity to formulate definite suggestions.

"4. The allied and associated Governments have already decided to accept the idea of early admission of German representatives and to ask the Washington conference to admit them immediately thereafter to full membership and rights in respect to the industrial labor organization and the government body attached thereto.

"5. While the resolutions passed by the Berne conference, February, 1919, gave expression to the wishes of the workers and defined their aspirations for the future, the Washington conference provides the means of giving effect to such of these aspirations as can be embodied in legislation without delay, and the labor organization will give opportunities for progressive expression to others, in accordance with the guiding principles already mentioned. The labor commission, moreover, set up by the peace conference envisaged all the points mentioned in your letter as coming within the scope of the labor organization, including an international code of law for the protection of seamen, to be especially drawn up with the collaboration of the seamen's union (copy annexed).

"6. It also adopted a resolution (copy annexed) in favor of the organization being given power as soon as possible to pass resolutions possessing the force of international law. International labor laws can not at present be made operative merely by resolutions passed at conferences. The workers of one country are not prepared to be bound in all matters by laws imposed on them by representatives of other countries; international conventions as provided for under the peace treaty are therefore at present more effective than international labor laws, for the infringement of which no penal sanctions can be applied.

## "MORE LIBERAL REPRESENTATION."

"7. In reply to the statement as to the divergence from democratic principles, the proposal of the allied and associated Governments, already pointed out, goes further than that of the German proposition, for three-quarters of the delegates at the labor conference will directly and indirectly represent the wishes of the population generally, the two governmental delegates representing the people at large and the labor delegates representing the workers directly, the employers

of labor being granted a representation of only one-quarter. The theory of the German delegation that article 390 of the draft may 'exclude the workers' is wholly fallacious, as the so-called governmental representatives, at least those of the allied and associated powers, would be representatives of the people of those countries. It is to be remembered that in many countries a very large part of the workers are engaged in agriculture and that these workers are not generally united in industrial organizations, and it is therefore peculiarly apparent that their interests should be represented in labor conferences through the governments.

"8. Furthermore, the proposal of the German delegation would permit the prevention of the most beneficent legislation if it was opposed by one-fifth of the Governments represented at the labor conference. It is of particular importance to notice that according to the proposal of the German delegation each country in such a conference would have one vote, and thus the votes of Governments representing perhaps only an insignificant minority of the workers of the world would be able to defeat any proposal whatsoever. In striking contrast with this autocratic idea is the proposal of the allied and associated powers, which not only permits voting in conferences to be by delegates and not by Governments, but also permits a definite proposal to be made by two-thirds of the delegates.

## "NEW CONFERENCE UNNECESSARY."

"9. At the present time active preparations are being made for the first meeting of the international labor organization in October. It is obvious, therefore, that no need exists for interposing a labor conference at Versailles. Moreover, the suggestion of the German delegation that the peace negotiations should be delayed in order to permit of another labor conference is contrary to the interests of the workers throughout the world, who are more interested than anyone else in a return to peace as a relief from the conditions produced by four years of German aggression. The allied and associated Governments, taking account of this most just desire, are endeavoring not to postpone but, on the contrary, to hasten the conclusion of peace and to secure the adoption of those measures of social amelioration which would doubtless have been adopted ere this had it not been that the commencement of the war by Germany turned the efforts and thought of the world's population toward a struggle for liberty, during which time other ideals were necessarily subordinated to that of freedom itself.

## "CLEMENCEAU."

"Annex 1. The commission considers that the very special questions to be accorded to seamen might be dealt with at a special meeting of the International Labor Conference devoted exclusively to the affairs of seamen.

"Annex 2. The commission expresses the hope that as soon as it may be possible an agreement will be arrived at between the high contracting parties with a view to endowing the International Labor Conference, under the auspices of the league of nations, with power to take, under conditions to be determined, resolutions possessing the force of international law."

Mr. REED. I read from the article:

In order to avoid misunderstandings and false impressions the German delegation deems it to be necessary to elucidate the fundamental conditions precedent underlying their note of May 10, 1919.

In the opinion of the German democratic government the final decision in questions of labor law and labor protection belongs to the workers themselves.

That is a new principle. That is internationalism. That is Bolshevism, that a class of the people are to decide all questions of law concerning themselves for themselves, make their own laws, and enforce them to suit themselves. It continues:

It was the intention of the German delegation to give occasion, even while the negotiations of peace are proceeding, to the legitimate representatives of the working people of all countries of casting their vote on this point and bringing into conformity the draft of the conditions of peace, the proposal of the German democratic government, and the resolutions of the International Trade Union Conference held at Berne from February 5 to February 9, 1919.

I told you this was submitted. I said to you that Part XIII was modeled after the Berne convention. We notice the Germans protesting that it has not been sufficiently modeled. It is said:

Contrary to this proposal, the allied and associated Governments do not think it necessary to call a labor conference at Versailles for this purpose.

The International Labor Conference, contemplated to be held at Washington, D. C., to which you refer in your reply note of May 14, 1919, can not replace the conference demanded by us, because it is to be held on the principles which are established by the draft of the treaty of peace for the organization of labor.

The body referred to is that now meeting here in Washington, and is sitting here by authority of this treaty which the United States has not sanctioned or ratified.

The latter, however, disregards the demands raised by the International Trade Union Conference in Berne in two material directions. The first divergence is in respect to the representation of the workers. According to the proposal of the International Labor Conference at Berne, one-half of the members of the conference entitled to vote must consist of legal representatives of the workers of each country who are organized in trade-unions. The German delegation has indorsed this proposal by transmitting the protocol of the International Trade Union Conference at Berne.

As I said, they did not get all they wanted. They got half of what they wanted.

Contrary to this, the draft of the treaty of peace grants to the workers only one-quarter of the total votes at the international conference, for, according to the draft of the allied and associated Governments, each country is to be represented by two Government delegates, one employer, and only one worker. The Governments are even in a position, according to article 390 of the draft of the treaty of peace, to exclude the workers' vote by nominating an employer, and thus giving to Government bureaucrats the casting vote as against the representatives of practical life. This system is at variance with the democratic principles which to the present day have been upheld and fought for in common by the whole international workpeople, and will deepen the



impression held among the workers that they are, as before, furthermore to be the object of legislation governed by the interest of private capital.

So they objected because they only got one vote out of four instead of getting two votes out of four, and that is the point of diversion. The only thing that attention was called to by this German, where they departed from the Berne convention of socialists and anarchists, was this:

The second divergence refers to the legally binding force of the resolutions of the conference. According to the resolutions of the International Trade Union Conference at Berne the international parliament of labor is to issue not only international conventions without legally binding force, but also international laws which, from the moment of their adoption, are to have the same effect—legally binding force—as national laws—proclamations to the workers of all countries, adopted by the International Trade Union Conference at Berne, 1919, at the motion of Jousaux, the delegate from France.

I think that same man is down here now; I am not certain.

The draft of the German democratic government indorses this resolution.

Now, observe the demand that the proceedings of one of these bodies, like the one that is now assembled here in Washington, shall have the force of international law—not be merely advisory, but shall have the force of international law and shall bind every government on earth. Then observe this, that when Mr. Clemenceau replied in his note he stated:

1. The German delegation states the principle for the German National Government that to the wage earners belongs the final decision in questions of labor law. The allied institutions hold it to be their duty to collaborate with labor in the formulation of such law. But the laws must be passed by representatives of the whole community.

Hold that in your mind a moment, for that is not all of it. I read from paragraph 5. Mr. Clemenceau continues:

5. While the resolutions passed by the Berne conference February, 1919, gave expression to the wishes of the workers and defined their aspirations for the future, the Washington conference provides the means of giving effect to such of these aspirations as can be embodied in legislation without delay, and the labor organization will give opportunities for progressive expression to others, in accordance with the guiding principles already mentioned. The labor commission, moreover, set up by the peace conference envisaged all the points mentioned in your letter as coming within the scope of the labor organization, including an international code of law for the protection of the seamen, to be especially drawn up with the collaboration of the seamen's union.

Now note this:

It also adopted a resolution (copy annexed) in favor of the organization being given power as soon as possible to pass resolutions possessing the force of international law.

The very gentlemen who prepared Part XIII wrote back to the Germans and told them that they can not give these labor bodies the power to write international law to-day, but that they favor it and they are going to get it for them.

It adopted a resolution—

I am reading from Clemenceau's letter, and, by the way, Mr. Clemenceau is a socialist, whether he is a hero or not.

It also adopted a resolution (copy annexed) in favor of the organization being given power as soon as possible to pass resolutions possessing the force of international law. International labor laws can not at present be made operative merely by resolutions passed at conferences. The workers of one country are not prepared to be bound in all matters by laws imposed on them by representatives of other countries; international conventions, as provided for under the peace treaty, are therefore at present more effective than international labor laws, for the infringement of which no penal sanctions can be applied.

9. At the present time active preparations are being made for the first meeting of the international labor organization in October.

Then Mr. Clemenceau, in relation to the demands for international power to be referred to bodies like they have meeting in Washington, making their decrees international law, states this in Annex 2:

The commission expresses the hope that as soon as it may be possible an agreement will be arrived at between the high contracting parties with a view to endowing the International Labor Conference under the auspices of the league of nations with power to take, under conditions to be determined, resolutions possessing the force of international law.

So that the bald proposition is that a body of men, assembled and constituted as this body of men now meeting, shall have the right, as soon as it can be brought about by the confirmation of Part XIII, to pass their decrees relating to labor in any country and in any clime, and that those decrees when passed shall immediately and without delay become international law, with the same force as national law, governing this world and all of the nations thereof. And you propose to put in a reservation about a thing of that kind! You propose to help set it up in other countries, but to say we will not be bound to participate.

That is the doctrine of the reservationist, but the doctrine of the Democrat or Republican who votes for it is that he is willing to set up a tribunal with those powers, that tribunal not to be selected even by the nations of the world, but to be selected in part by some capital and in part by some labor, and

then all of the people, including those two classes, are to have 50 per cent representation; that body, when it meets down here, to represent the entire world, and its decrees to become international law. That, sir, is not socialism; that, sir, is not anarchy. It is something worse than both. It proposes to destroy nationality. It proposes to destroy government. It proposes to set up a government selected, not by the people of the world, but selected by classes of people of the world. And you propose to establish that in this country. At the risk of being called to order again, I say it is a betrayal of the United States; I say it is a betrayal of our duty as Senators; and I say it is wrong to save one's conscience with the fact that while we wash our hands and say that we will not be a party to it, yet we sanction the setting up of a tribunal by the signing of the treaty that creates this for all of the rest of the world. In my opinion, that is not the part of brave men or of statesmen.

In this connection I call attention to the fact that this is not being done for the benefit of American labor, and I shall a little later try to call the attention of American labor to the fact that this is a move as severe against them as it is against all other parts of the people.

Here is what Mr. Gompers said, and I am reading now from the proceedings of the Atlantic City convention held on June 20. Mr. Gompers made some remarks there, and among other things he said:

Let me say this to you, ladies and gentlemen: It wasn't for the promotion of the interests of American workers that this draft convention received my support. I declared in the commission time and again that, so far as we in the United States were concerned, we could and would take care of ourselves, and I would prefer, with the old text, before the protocol and many other changes were adopted, to take my chances in labor legislation by the activities of the American Federation of Labor, rather than by that draft convention. But I see in this draft convention for labor, not that it will bring very much of light into the lives of American workers, but I do believe that its adoption and operation will have the effect of bringing light into the lives of the workers in the more backward countries.

What concerned me most was that there should not be in the draft convention anything by which the standards of American labor could be reduced, and that the seamen's act should be protected by that protocol to article 19 of the draft convention.

So he was satisfied when he got in the clause that said there should be no legislation that would take away any of the rights labor now has. Of course, that did not accomplish anything; it does not cover the case. But I have this to say to American labor—and, I repeat, I have always occupied a friendly attitude toward it—that when American labor comes to understand the truth it will know that if ever Part XIII is put into effect and becomes a practical working thing, every single principle which American labor has contended for in order to maintain its supremacy and its advantage will be wiped out.

What are those principles? One of those principles is that American laborers should be protected against great influxes of bodies of foreign workmen to take their places. This document deprives the Government of the United States of the right to exclude foreigners from our shores except for limited periods and under peculiar conditions; and we must submit those conditions to the labor conference. Ratify this treaty, and I say to the American laboring man that there can be gathered together all the hordes of Europe and they can be brought over here to take the places of American workers; and they will come and they will take their places.

Then it is made the solemn duty of the lawmaking authorities to see that when they do come they get as good wages, if they demand them, as have been fixed by labor unions. But suppose they do not demand them; suppose they want the labor-union man's place. They can get as much as he can get by the demand, but they can cut his wages and they can take his job; they can leave him to starve; they can come here by the millions; and our Government under this instrument is to be powerless as against the demands of the Berne convention to protect its own shores, a right accorded to it by international law. That is the scheme; that is the plan.

A very great part of American labor has for many years contended that it must be protected against the goods manufactured in other countries by cheap pauper labor. So it has demanded a discriminatory tariff. Many men have contended that that was not necessary, because of natural conditions; but to all those men who adhere to that philosophy I say that the principles of the Berne convention, now about to be enacted into a treaty which binds the world, cover all that and wipe that all out and put the labor of every other country upon an exact equality with American labor.

Let us see what we are doing. What are the real things that kept up the high standard of American labor? Many factors, of course, are involved. One of them is the intelligence of the American workingman; but the chief reason, in my opinion, at



least, is found in the fact that there are in this country immense material advantages which the Old World does not possess.

Here are our undeveloped resources; here is a constantly expanding world. Commerce is growing; buildings are being erected; cities are growing up in a night. The wilderness is being conquered; swamps are being reclaimed; there is a constant demand for labor. Because of that demand the American workman has always had a position of superior advantage, but if this scheme goes through the labor of the world is to be reduced to a dead level. That is the principle. They may tell American labor that they propose to raise the wages of all the other workers of the world up to the American level, but even if that were possible we should still be on the same level; and when you are on the same level with another man you have no advantage.

But the fact is that that dream can not be realized; the fact is that the man who tries to put the American workman upon the same level as the serf of Russia, the peon of Mexico, the Chinese coolie, or the Jap is helping to murder American labor; whether it is done under the sanction of the league of nations or however done, it destroys the supremacy of the American laborer and takes away his advantage. We are asked to sacrifice him upon the altar of international socialism, not for his benefit, Mr. Gompers tells us, but for the benefit of somebody thousands and thousands of miles away. Why should he be placed upon that altar? Why should he be so immolated and sacrificed? If, unfortunately, a race of men somewhere else have submitted through the long ages to conditions of climate and soil and government and to economic conditions under which they have seen fit to live, why should the American laborer, whose ancestors or who himself sought our shores to better his condition, who is the beneficiary of a long line of ancestors who have slowly climbed the ladder of success—why should that man sacrifice himself for the benefit of the Chinaman or the Jap or the man of India or the man of Siam or the inhabitants of other even less favored parts of the world? Why should the American laboring men who bared their bosoms to the blasts of this war as bravely and patriotically as any other class of people, who stood in the trenches as inflexibly, who endured the toils of the march and the horror of the hospital with the same courage as the rest of those who fought to preserve our flag, be now sacrificed for the benefit of men thousands of miles away, men who from environment and training can live on one-quarter or one-tenth of what the American laborer can live upon, men who have no ambition in life and who are satisfied to tread in the mills of the centuries and to become mere automatons, working and toiling in their own dull way with their own dull brains and their own dull hands from the cradle to the grave? Why should American labor be thus sacrificed? I say to you, sir, it will not submit to being so sacrificed. The American laborer is not an international socialist yet. There is more of international socialism about to be recognized here in Washington than exists in the other parts of our country.

Mr. President, there is one phase of this treaty to which I wish to invite particular attention. I shall not go over the plan of organization of the labor government of the world which is to be set up further than to refer in the briefest way to the outlines of the structure, and then I wish to call attention to one or two monstrous provisions.

There is to be a general conference created, composed of four representatives from each of the members of the league. That will give a body of 128 men, 64 of whom are to represent the Governments, 32 to represent the employers of labor, whoever they may be, and 32 to represent union or organized labor. Each of them is to be entitled in a meeting to have two advisers on each item of the agenda or program to be considered at that meeting. If there were 20 items of the agenda, each man could have 40 advisers. So we might well have a body of 7,000 or 8,000 men assembled at any time, and thus all the walking delegates of the country could have their way paid by the Government. Out of this body thus constituted there is created what is known as the governing body, composed of 24 men, 12 of them representing States, 6 of them representing the employers of labor, and 6 of them representing organized labor.

It will be observed, in the first place, that there are 32 States represented at the present time in the league of nations, and if there are only 12 representatives of government upon the governing body, then there must be 20 of these States without any representation at all. While there are 20 States left without representation, the labor organizations of the world might or they might not be represented.

The bodies thus constituted have the authority to submit to the various Governments of the world drafts of international conventions. They are to prepare the conventions or treaties for the sovereign Governments of the world, and, when so pre-

pared, it is made the legal duty of the Governments to submit those conventions or treaties within 12 months, and at the longest 18 months, to their appropriate bodies for ratification.

Mr. President, it is true that the Governments are not forced to enter into these treaties, and if they do not enter into them, they are not bound; but, sir, that is no answer to be made. If we are engaged in setting up this tribunal, we must be setting it up for a purpose. That purpose must be to carry out the scheme and plan. We help to create a scheme and plan. It must be our purpose to do one of two things—to comply with that scheme and plan in good faith and help carry it out, or else it is our purpose to deceive the world and our associates when we enter into it, because we enter into it without the intention honestly to carry it out.

I can not attribute that base motive or purpose to the United States. Therefore, I say that if we enter this tribunal of the league of nations, with the tribunal that is proposed in Part XIII, we are in good faith bound to accept the recommendations that are made. Any other argument is the argument that we are not acting in good faith. Any other claim is the claim that we are setting up something here as a fraud upon the world.

Moreover, if we do not carry out these recommendations, we give to ourselves the lie direct, for we have recited in the league of nations covenant itself that it is necessary to carry out these conditions in order to maintain the peace of the world, and we have solemnly asseverated that we propose in good faith to promote that peace, and we have recited in the preamble to article 13 this:

Whereas conditions of labour exist involving such injustice, hardship, and privation to large numbers of people as to produce unrest so great that the peace and harmony of the world are imperilled; and an improvement of those conditions is urgently required, as, for example, by the regulation of the hours of work, including the establishment of a maximum working day and week, the regulation of the labour supply, the prevention of unemployment, the provision of an adequate living wage, the protection of the worker against sickness, disease, and injury arising out of his employment, the protection of children, young persons, and women, provision for old age and injury, protection of the interests of workers when employed in countries other than their own, recognition of the principle of freedom of association, the organisation of vocational and technical education, and other measures;

Whereas also the failure of any nation to adopt humane conditions of labour is an obstacle in the way of other nations which desire to improve the conditions in their own countries;

The high contracting parties, moved by sentiments of justice and humanity as well as by the desire to secure the permanent peace of the world, agree to the following:

So we affirm that you can not have peace in the world unless these things are done. We affirm that unless Part XIII is accepted and its terms carried out the peace of the world can not be maintained. In the treaty itself, in article 23, is laid down the same proposition, and I am going, with the permission of the Senate, to print that as a part of my remarks.

There being no objection, the matter referred to was ordered to be printed in the RECORD, as follows:

#### ARTICLE 23.

Subject to and in accordance with the provisions of international conventions existing or hereafter to be agreed upon, the members of the league:

(a) will endeavour to secure and maintain fair and humane conditions of labour for men, women, and children, both in their own countries and in all countries to which their commercial and industrial relations extend, and for that purpose will establish and maintain the necessary international organisations.

Mr. REED. So, now, if we are in good faith, we become bound to go into this scheme and to help carry it out. Therefore, when the draft convention is submitted, it is our duty in order to preserve the peace of the world, in order to make the league of nations a success, in order to realize this dream of a universal peace and equity, that we shall accept that draft convention; and when it is accepted, what is the result? A result so appalling, so unbelievable, that no man in this Chamber would have deemed it possible if it were not here written in cold type.

It is provided, sir, that once we have accepted this condition, any State—aye, any labor organization—can file a complaint with the governing body of 24 men, charging that the United States has not fulfilled its obligations under that convention. That is to say, the charge can be made that the United States has not enforced the eight-hour law in Georgia, sir; that a negro has been caught picking cotton after 5 o'clock in the evening, or that a white man has been caught working over hours, and contrary to the rules of the union.

Thereupon this body of 24 men, 6 of them representing union labor, 6 of them representing employers, 12 of them representing the people of the world, including the laborer and employer, shall determine whether they will put the Government to trial; and let us say it is the United States, and that the high crime and misdemeanor of which we have been guilty is that we have not enforced the eight-hour law, or that we have not



provided employment, or that we have not passed an old-age pension law, or done something else that these 24 autocrats of the world have told us we ought to do, and that we have been foolish enough to agree to do. Now, we are brought to trial, sir; and I ask the privilege of printing along with my remarks, without reading it here, the language of the document.

The PRESIDING OFFICER (Mr. THOMAS in the chair). Without objection, it is so ordered.

The matter referred to is as follows:

#### ARTICLE 409.

In the event of any representation being made to the international labour office by an industrial association of employers or of workers that any of the members has failed to secure in any respect the effective observance within its jurisdiction of any convention to which it is a party, the governing body may communicate this representation to the Government against which it is made and may invite that Government to make such statement on the subject as it may think fit.

#### ARTICLE 410.

If no statement is received within a reasonable time from the Government in question, or if the statement when received is not deemed to be satisfactory by the governing body, the latter shall have the right to publish the representation and the statement, if any, made in reply to it.

#### ARTICLE 411.

Any of the members shall have the right to file a complaint with the international labour office if it is not satisfied that any other member is securing the effective observance of any convention which both have ratified in accordance with the foregoing articles.

The governing body may, if it thinks fit, before referring such a complaint to a commission of enquiry, as hereinafter provided for, communicate with the Government in question in the manner described in article 409.

If the governing body does not think it necessary to communicate the complaint to the Government in question, or if, when they have made such communication, no statement in reply has been received within a reasonable time which the governing body considers to be satisfactory, the governing body may apply for the appointment of a commission of enquiry to consider the complaint and to report thereon.

The governing body may adopt the same procedure either of its own motion or on receipt of a complaint from a delegate to the conference.

When any matter arising out of articles 410 or 411 is being considered by the governing body of the Government in question shall, if not already represented thereon, be entitled to send a representative to take part in the proceedings of the governing body while the matter is under consideration. Adequate notice of the date on which the matter will be considered shall be given to the Government in question.

#### ARTICLE 412.

The commission of enquiry shall be constituted in accordance with the following provisions:

Each of the members agrees to nominate within six months of the date on which the present treaty comes into force three persons of industrial experience, of whom one shall be a representative of employers, one a representative of workers, and one a person of independent standing, who shall together form a panel from which the members of the commission of enquiry shall be drawn.

The qualifications of the persons so nominated shall be subject to scrutiny by the governing body, which may by two-thirds of the votes cast by the representatives present refuse to accept the nomination of any person whose qualifications do not in its opinion comply with the requirements of the present article.

Upon the application of the governing body, the secretary-general of the league of nations shall nominate three persons, one from each section of this panel, to constitute the commission of enquiry, and shall designate one of them as the president of the commission. None of these three persons shall be a person nominated to the panel by any member directly concerned in the complaint.

#### ARTICLE 413.

The members agree that, in the event of the reference of a complaint to a commission of enquiry under article 411, they will each, whether directly concerned in the complaint or not, place at the disposal of the commission all the information in their possession which bears upon the subject matter of the complaint.

#### ARTICLE 414.

When the commission of enquiry has fully considered the complaint it shall prepare a report embodying its findings on all questions of fact relevant to determining the issue between the parties and containing such recommendations as it may think proper as to the steps which should be taken to meet the complaint and the time within which they should be taken.

It shall also indicate in this report the measures, if any, of an economic character against a defaulting Government which it considers to be appropriate, and which it considers other Governments would be justified in adopting.

#### ARTICLE 415.

The secretary-general of the league of nations shall communicate the report of the commission of enquiry to each of the Governments concerned in the complaint, and shall cause it to be published.

Each of these Governments shall within one month inform the secretary-general of the league of nations whether or not it accepts the recommendations contained in the report of the commission; and if not, whether it proposes to refer the complaint to the permanent court of international justice of the league of nations.

#### ARTICLE 416.

In the event of any member failing to take the action required by article 405, with regard to a recommendation or draft convention, any other member shall be entitled to refer the matter to the permanent court of international justice.

#### ARTICLE 417.

The decision of the permanent court of international justice in regard to a complaint or matter which has been referred to it in pursuance of article 415 or article 416 shall be final.

#### ARTICLE 418.

The permanent court of international justice may affirm, vary, or reverse any of the findings or recommendations of the commission of enquiry, if any, and shall in its decision indicate the measures, if any,

of an economic character which it considers to be appropriate, and which other Governments would be justified in adopting against a defaulting Government.

#### ARTICLE 419.

In the event of any member failing to carry out within the time specified the recommendations, if any, contained in the report of the commission of enquiry, or in the decision of the permanent court of international justice, as the case may be, any other member may take against that member the measures of an economic character indicated in the report of the commission or in the decision of the court as appropriate to the case.

#### ARTICLE 420.

The defaulting Government may at any time inform the governing body that it has taken the steps necessary to comply with the recommendations of the commission of enquiry or with those in the decision of the permanent court of international justice, as the case may be, and may request it to apply to the secretary-general of the league to constitute a commission of enquiry to verify its contention. In this case the provisions of articles 412, 413, 414, 415, 417, and 418 shall apply, and if the report of the commission of enquiry or the decision of the permanent court of international justice is in favour of the defaulting Government, the other Governments shall forthwith discontinue the measures of an economic character that they have taken against the defaulting Government.

Mr. REED. How do they proceed? They pick a jury panel of three men from each of the States members of this league. There are 32 members now. That would mean 96 men on the panel. I can picture this panel now. I can see the three colored gentlemen from Liberia, the three from Haiti, coming, wondering whether they have to take their winter clothes along with them. I can see three gentlemen from the deserts of Arabia. They have just laid aside their old-fashioned flint-lock rifles, with which they have been holding up the pious pilgrims to the shrine of Mahomet, and are undertaking to garb themselves in the accouterments of civilization, providing themselves with concealed instead of obvious weapons. As the Senator from Oklahoma [Mr. GORE] tells me, the King of Hejaz has a subsidy of three-quarters of a million dollars a year from Great Britain, or three-quarters of a million a year during the war. Very well. He is cheap at the price, because he will vote right. I can see them from India, the snake charmer, and the voodooist from Siam, and as you search their baggage you will find the dried-snake fetish that the jurors probably worship. I can behold them picked from every quarter of the world, and I have not time to describe the motley crew; but if they were assembled there probably would not be anybody there, outside of a few educated Englishmen and Frenchmen and Italians, who could understand what anybody else said.

Out of this body of 96 men—Hottentots and buccaneers and pirates and princes—they proceed to draw a jury of 3 men. One of them is to represent labor—not just to represent other folks, but organized labor, a class—one of them is to represent employers, and one to represent governments, I believe—three men, not one to represent the United States, because we are a party in interest and have no representation.

Here stands Uncle Sam, prisoner at the bar, charged with having violated the eight-hour law in Georgia on a farm. They try him like a common criminal, and they find him guilty, and they proceed to fix the punishment, and there is no limit to the punishment. There is no law; there is no constitution; there is nothing except their gracious charity and pity; and they condemn old Uncle Sam, and I can see his majestic figure, his head somewhat bowed in shame, his eyes envisioning the day when he was a sovereign looking the world in the face, when his spirit was that of the eagle, and his soul the soul of liberty. They lead him out, and then, by three men, not an American there, try a sovereign nation before private individuals—that is all it amounts to; before a trio of foreign internationalists—that is all it amounts to; before international socialists—that is all it amounts to; before anarchists who would destroy the structure of civilization and tear down the temple of liberty to-morrow—that is what it amounts to.

Oh, but it is said you can appeal to a court! Yes; some kind of a court yet to be created, the composition of which we do not know. But again the court renders its decree. That decree is binding. There is no appeal. It is not a question of whether we think it just or unjust. There is only the question of obedience.

A decree is rendered by this court, and if we do not obey they have the right to call upon the league of nations to apply such economic pressure as they recommend. What, sir, is economic pressure? The most brutal instrumentality in the civilized world, after all, has been the boycott. We all know where the word came from. It was coined over in Ireland, where the inhabitants refused to speak to or look at the foreign landlord, refused to trade with him, refused to sell him anything. They did that justifiably, for an oppressor was in their land; but it was a terrible weapon. In our civil life it has been a weapon that has resulted in the destruction many times of men's fortunes. But applied internationally we are told what it is in the league of nations. It is the right to command



that other nations shall cease to have any intercourse whatever with a nation that is thus boycotted. Its commerce is to be refused, its nationals are to be denied the right to communicate with the nationals of other countries. All financial transactions must cease. Ships shall no longer ply the ocean and carry freight to its ports. It is to be sealed up as in a tomb. It is to suffer a living death. It is to have starvation finally fastened upon it by the most terrible instrument of the fiends of war. It is the thing that is applied by military commanders in time of war as the means by which they can break the morale of the line by starvation in the rear which they can not destroy by attacking in the front. It is a glorious and humane proposition, that proposes to substitute for the death of brave men upon the battle field the starvation of women and of babes at home. This may be visited upon us by the mandate of three foreigners, not one of whom can speak our tongue, and these men not representatives even of Governments but representatives, in part at least, of classes of people.

This monstrous creation, sir, you propose to set up, and to give it sanctity, and all you are going to do is to say, like Pilate, "I wash my hands. Take ye Him and crucify Him," instead of striking it down with the force of a giant's blow, instead of saying to all the world, "America stands acquit; America turns her back against every proposition to break down the structure of society, or to set up Bolshevism or sovietism or anarchism anywhere in the world."

Sir, this is to be accepted undebated, undigested, not understood by the people of our country. Let me tell you what I think of it in a few short sentences. The thing that has made the American race progress has been the equal opportunity of its people before the law. Every other nation that has risen and that has fallen, or that even yet survives, in all the tides of time, has been great just in proportion as it has afforded opportunity to the masses of its people, a chance in life. That chance in life can only exist where it is an equal chance. You can not have a government of an autocracy of wealth unless you retard the growth and development of an entire people. You can not have a government of an autocracy of labor without at the same time retarding the growth and development of the entire country. This is proven to-day in Russia. The salvation of the laboring man consists in his equal opportunity to run the race of life. The thing that makes life sweet and glorious to him is the fact that all men have an equal chance, for he may labor with his hands and he may be an employer tomorrow; he may be a capitalist the day after. When you destroy the chance and opportunity of that man to advance himself, you destroy his opportunity in life.

There is no terror so great in my heart to-day as that something may be done to destroy that equality before the law. Here we are proposing in the United States Senate and in the councils of the world to give to a class of people who happen to be organized together in societies and associations the right to special representation in the government of the world separate and distinct from the government the other people enjoy. We propose here to set up, then, a government by a part of the people, an autocracy of organization as against the mass of the people of the land. Sir, I say that if this thing is done it will be the saddest blow ever struck to labor itself. It will be the saddest blow ever struck to the liberties of our country.

No reservation answers the question, for a reservation still allows this thing to be set up and makes us a party to the organization that will set it up. Though we refuse to be bound, still we have created it. Though we refuse to be parties to the operations of the serpent after it is hatched, we have helped hatch the serpent. Though we say it shall not enter here, we have helped to create a creature that will wind its coils around the liberties of other peoples in other lands, and we have recognized as a world principle the proposition that the world should not be governed by all the people of the world, but that it should be governed by a class of the people.

Sir, signs of the times warn us to beware, when it was shown before a Senate committee recently that men who are anarchistic in their views and destructive in all their sentiments are to-day controlling vast classes of men, and when we find them boasting, "We have now become so powerful that by a strike we shall not only injure our employer and compel him to submit because of his injuries, but we shall compel the American people to force him to submit by starving the American people for want of food or freezing them for want of fuel."

That, sir, is a new proposition in American life. A strike used to be aimed at the employer. It was a contest between him and his men. The object of the strike was to compel him to yield because of the misfortunes put upon him. But to-day these strikes seem to be taking the character of an effort to freeze the

people of the United States into submission and to starve them into submission. Beware, as we pass along the troubled highway of these times, that we do not add fuel to a smoldering fire and that we do not by our acts encourage and recognize the very principle that these men contend for. That principle is that a few men, organized, have the right to control the destiny of the rest of the people of the world, the principle written in this document that we are asked now to sanction.

If we strike it out we shall play the part of a manly nation. If we strike it out we shall play the part of Senators of the United States. If we quibble about it, if we evade it, if we refuse to take responsibility we shall play a part of which I shall never be proud and which I think none of you will look back upon with any cheerfulness of mind.

Mr. President, these questions should go to the American people. It is our business to see that they do go to the American people. This revolutionary instrument should be submitted to the votes of that great body of men and women who constitute, after all, the Government of the United States of America.

Mr. LODGE. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Gore	McCumber	Sherman
Ball	Gronna	McKellar	Simmons
Borah	Hale	McLean	Smith, Ariz.
Brandegee	Harding	McNary	Smith, Ga.
Calder	Harris	Moses	Smith, S. C.
Capper	Henderson	Myers	Smoot
Chamberlain	Hitchcock	Nelson	Spencer
Colt	Johnson, Calif.	New	Sterling
Culberson	Jones, N. Mex.	Newberry	Sutherland
Cummins	Jones, Wash.	Norris	Swanson
Curtis	Kellogg	Nugent	Thomas
Dial	Kendrick	Overman	Townsend
Dillingham	Kenyon	Owen	Trammell
Edge	Keyes	Page	Underwood
Elkins	King	Phelan	Wadsworth
Fernald	Kirby	Phlips	Walsh, Mass.
Fletcher	Knox	Polindexter	Walsh, Mont.
France	La Follette	Ransdell	Watson
Frelinghuysen	Lenroot	Reed	Williams
Gay	Lodge	Robinson	Wolcott
Gerry	McCormick	Sheppard	

The VICE PRESIDENT (at 3 o'clock p. m.). Eighty-three Senators have answered to their names. There is a quorum present. In accordance with the unanimous-consent agreement, the amendment known as the La Follette amendment is now to be voted upon. The yeas and nays have been ordered, and the Secretary will call the roll.

The Secretary proceeded to call the roll.

Mr. BRANDEGEE (when his name was called). I am paired with the senior Senator from Ohio [Mr. POMERENE]. In his absence I withhold my vote. If I were at liberty to vote, I should vote "yea."

Mr. DILLINGHAM (when his name was called). I am paired with the senior Senator from Maryland [Mr. SMITH], who is necessarily absent. For that reason I withhold my vote. If at liberty to vote, I should vote "yea."

Mr. JOHNSON of California (when his name was called). I have a pair with the senior Senator from Virginia [Mr. MARTIN] and I must withhold my vote. If permitted to vote, I would vote "yea."

Mr. KENDRICK (when his name was called). I have a general pair with the senior Senator from New Mexico [Mr. FALL], which I transfer to the junior Senator from Kentucky [Mr. STANLEY] and vote "nay."

Mr. SUTHERLAND (when his name was called). I have a general pair with the senior Senator from Kentucky [Mr. BECKHAM]. In his absence I withhold my vote. If permitted to vote, I would vote "yea."

Mr. WILLIAMS (when his name was called). I believe the Senator from Pennsylvania [Mr. PENROSE] has not voted. I have a pair with that Senator, which I transfer to the senior Senator from Alabama [Mr. BANKHEAD] and vote "nay."

The roll call was concluded.

Mr. OVERMAN (after having voted in the negative). I have a general pair with the senior Senator from Wyoming [Mr. WARREN]. Noting that he has not voted, I transfer my pair with him to the senior Senator from Nevada [Mr. PITTMAN] and let my vote stand.

Mr. UNDERWOOD. My colleague, the senior Senator from Alabama [Mr. BANKHEAD], is detained from the Senate by illness.

Mr. GERRY. The senior Senator from Kentucky [Mr. BECKHAM], the Senator from Ohio [Mr. POMERENE], the Senator from Maryland [Mr. SMITH], and the junior Senator from Kentucky [Mr. STANLEY] are absent on public business.



The Senator from Nevada [Mr. PITTMAN] and the Senator from Tennessee [Mr. SHIELDS] are detained on official business. The result was announced—yeas 34, nays 47, as follows:

## YEAS—34.

Ball	Frelinghuysen	McCormick	Poindexter
Borah	Gore	McLean	Reed
Calder	Gronna	Moses	Sherman
Capper	Harding	Myers	Thomas
Cummins	Jones, Wash.	New	Wadsworth
Curtis	Kenyon	Newberry	Walsh, Mass.
Elkins	Knox	Norris	Watson
Fernald	La Follette	Page	
France	Lodge	Phipps	

## NAYS—47.

Ashurst	Henderson	McNary	Smith, S. C.
Chamberlain	Hitchcock	Nelson	Smoot
Colt	Johnson, S. Dak.	Nugent	Spencer
Culberson	Jones, N. Mex.	Overman	Sterling
Dial	Kellogg	Owen	Swanson
Edge	Kendrick	Phelan	Townsend
Fletcher	Keyes	Ransdell	Trammell
Gay	King	Robinson	Underwood
Gerry	Kirby	Sheppard	Walsh, Mont.
Hale	Lenroot	Simmons	Williams
Harris	Mcumber	Smith, Ariz.	Wolcott
	McKellar	Smith, Ga.	

## NOT VOTING—15.

Bankhead	Fall	Pittman	Stanley
Beckham	Johnson, Calif.	Pomerene	Sut'erland
Brandegee	Martin	Shields	Warren
Dillingham	Penrose	Smith, Md.	

So Mr. LA FOLLETTE's amendment was rejected.

Mr. LA FOLLETTE obtained the floor.

Mr. LODGE. Will the Senator allow me to ask for the printing of a document?

Mr. LA FOLLETTE. Certainly.

Mr. LODGE. I have here a compilation of notes exchanged between the German peace delegation and the allied and associated powers, respecting the conditions of peace presented to Germany. They are very important papers, many of which have not been printed, and I think they would make a very valuable public document. I ask that they may be printed as a public document.

The VICE PRESIDENT. Without objection, it is so ordered. [S. Doc. No. 149.]

Mr. LA FOLLETTE addressed the Senate. After having spoken for 1 hour and 40 minutes,

Mr. LODGE. I understand that the Senator from Wisconsin can not conclude to-night.

Mr. LA FOLLETTE. I can not conclude to-night.

## EXECUTIVE SESSION WITH CLOSED DOORS.

Mr. LODGE. I move that the Senate go into secret executive session.

The motion was agreed to, and the doors were closed. After 10 minutes spent in secret executive session, the doors were reopened.

## TREATY OF PEACE WITH GERMANY.

The Senate, as in Committee of the Whole and in open executive session, resumed the consideration of the treaty of peace with Germany.

## RECESS.

Mr. LODGE. I move that the Senate take a recess until tomorrow morning at 11 o'clock.

The motion was agreed to; and (at 5 o'clock and 5 minutes p. m.) the Senate took a recess until to-morrow, Thursday, November 6, 1919, at 11 o'clock a. m.

## CONFIRMATIONS.

*Executive nominations confirmed by the Senate November 5 (legislative day, November 3), 1919.*

## UNITED STATES DISTRICT JUDGES.

Edwin Y. Webb to be United States district judge, western district of North Carolina.

John W. Peck to be United States district judge, southern district of Ohio.

## PUBLIC HEALTH SERVICE.

Passed Asst. Surg. Edward R. Marshall to be surgeon.

Passed Asst. Surg. Emil Krulish to be surgeon.

Asst. Surg. Roscoe Roy Spencer to be passed assistant surgeon.

Asst. Surg. Charles Joseph McDevitt to be passed assistant surgeon.

Asst. Surg. Sanders Louis Christian to be passed assistant surgeon.

Asst. Surg. Walter Casper Teufel to be passed assistant surgeon.

Asst. Surg. Henry V. Wildman to be passed assistant surgeon.

Asst. Surg. Herbert A. Spencer to be passed assistant surgeon.

Asst. Surg. Gleason C. Lake to be passed assistant surgeon.  
Asst. Surg. William S. Bean to be passed assistant surgeon.  
Asst. Surg. Thomas B. H. Anderson to be passed assistant surgeon.

Dr. Clarence A. Ransom to be assistant surgeon.  
Dr. Guy McM. Parkhurst to be assistant surgeon.

## POSTMASTERS.

## INDIANA.

Charlie O. Alton, Milan.

## HOUSE OF REPRESENTATIVES.

WEDNESDAY, November 5, 1919.

The House met at 12 o'clock noon.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

O Thou who art the center and circumference, the all in all, the Alpha and Omega, the same yesterday, to-day, and forever, creating, recreating, upholding, directing the destiny of men and of nations, open Thou our perceptions, that we may see clearly the way, and give us the courage to walk therein, that our lives may harmonize with the great eternal plan, that Thy kingdom may come and Thy will be done in earth as in heaven.

We faintly hear, we dimly see,  
In differing phrase we pray;  
But, dim or clear, we own in Thee,  
The Light, the Truth, the Way!

Amen.

The Journal of the proceedings of Monday, November 3, was read and approved.

## REQUEST TO ADDRESS THE HOUSE.

Mr. CLARK of Missouri. Mr. Speaker, I ask unanimous consent that the gentleman from Louisiana, Dr. ASWELL, be permitted to address the House for 35 minutes.

The SPEAKER. This being Calendar Wednesday, the Chair thinks that there must be unanimous consent to dispense with the regular business of Calendar Wednesday. The gentleman can put it in that form.

Mr. CLARK of Missouri. I move that the business of Calendar Wednesday be dispensed with for 35 minutes and that the gentleman from Louisiana [Mr. ASWELL] be permitted to consume the time for 35 minutes in addressing the House.

The SPEAKER. The gentleman from Missouri asks unanimous consent—

Mr. MADDEN. I make the point of order that the Chair can not entertain a motion of that sort on Calendar Wednesday under the rule.

Mr. CLARK of Missouri. What is the reason?

Mr. MADDEN. You can not make that kind of a motion.

The SPEAKER. The gentleman is asking unanimous consent.

Mr. MADDEN. That is different.

The SPEAKER. The Chair was putting it as a request for unanimous consent.

Mr. MADDEN. I understood that the gentleman moved it.

The SPEAKER. The Chair will put it as a request for unanimous consent. The gentleman from Missouri asks unanimous consent that the business of Calendar Wednesday be dispensed with for 35 minutes to allow the gentleman from Louisiana [Mr. ASWELL] to address the House for 35 minutes. Is there objection?

Mr. MONDELL. Mr. Speaker, reserving the right to object, a parliamentary inquiry. My impression is that the present Speaker and the former Speaker have both held that a unanimous-consent request can not be submitted on Calendar Wednesday. Is not that true?

The SPEAKER. That is, on the ground that the business of Calendar Wednesday must be dispensed with, but this is a request for unanimous consent to dispense with the business of Calendar Wednesday for that length of time.

Mr. MONDELL. But the rule is that the business of Calendar Wednesday can only be dispensed with by a two-thirds vote.

Mr. CLARK of Missouri. Unanimous consent is more than two-thirds.

Mr. ANDERSON. Mr. Speaker, I think it is bad practice to have these speeches coming in on Calendar Wednesday, and therefore I object.

The SPEAKER. The gentleman from Minnesota objects.

## ORDER OF BUSINESS.

Mr. MONDELL. Mr. Speaker, the call rests with the Committee on Military Affairs. They have a few bills of not very great importance, but still bills that ought to be passed. My